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THE LEAGUE'S BUSINESS

Meetings of Executive Committee.—The executive committee has recently held two meetings at which were considered the questions of finances and work methods raised by the Council in its meeting in Chicago last February. In accordance with the decision of the Council to make the fiscal year of the League coincide with the calendar year, the executive committee adopted a proposed budget calling for expenditures of $42,000 from April 1, 1931, until January 1, 1932.

The executive committee approved the suggestion of the Council with reference to the employment of a financial secretary to begin work this coming fall on securing contributions and memberships.

The committee also decided to reconstitute the committee on county government which drafted the *Model County Manager Law* last year. The new committee will be encouraged to study the general problem of county government in its relationship to the state and municipal governments. The executive committee also authorized the appointment of new committees on the following subjects: Model Corrupt Practices Law; Developments in Municipal Home Rule; Selection of Judiciary; and the Relationship of the City Government to the Housing Problem. The personnel and plans of these committees will be announced later.

New Edition of Story of City Manager Plan.—For several years our pamphlet on *The Story of the City Manager Plan* has been used in practically all cities considering the adoption of a city manager charter. A total of approximately 150,000 copies of this pamphlet have been distributed. It has now been entirely rewritten and revised. A copy of the new edition will be sent to any member who writes for it to the secretary's office.

National Committee on Municipal Reporting Completes Its Report.—In January, 1929 the League took the initiative in organizing the National Committee on Municipal Reporting. The committee was composed of representatives of the National Municipal League, the Governmental Research Association, the International City Managers' Association and the American Municipal Association. The committee organized by electing Colonel C. O. Sherrill as chairman, Clarence E. Ridley as vice chairman, and Wylie Kilpatrick as secretary.

The Spelman Fund of New York gave the committee a grant which enabled it to make a thorough study of municipal reporting. The committee's report has now been published by the Municipal Administration Service in its technical pamphlet series. An edition of 6,000 copies has been printed. Of these, 5,000 copies have been distributed free and the remainder are being held in reserve for later distribution and for sale. The leagues of municipalities in Illinois, Michigan, Kansas, Colorado and New Jersey have reprinted part one of the report as a special supplement to their monthly magazines. *The American City* has also published two articles reprinting excerpts from the report. In addition to these methods of distribution 1,000 copies each of eleven different chapters of the report were reprinted and distributed to selected lists of municipal officials interested in each of the specific subjects. In this way the report has reached a circulation of almost 45,000 individuals.

RUSSELL FORBES, *Secretary.*

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

John J. Horgan of Cork, Ireland, who is already familiar to constant readers of the REVIEW, reports that the city manager plan has been so successful in Ireland that it is very probable that a county manager bill will be introduced into the Free State legislature in the near future.

*

The overthrow of "Thompsonism" in Chicago is briefly related by Edward M. Martin in the Notes and Events department of this issue. We hope to follow with a long article next month from the pen of Carroll H. Wooddy. Prominent independent Republicans, among whom was Professor Merriam, actively sponsored the election of Cermak. Two other officers of the National Municipal League also attracted Thompson's fire. Silas H. Strawn and George O. Fairweather were continually lambasted by Thompson as members of a conspiracy which foisted the real estate reassessments on the city.

Cermak's record as president of the county board indicates an understanding of improved structure and efficiency of government. In 1929 he expressed approval of the county manager plan in a statement submitted at the annual meeting of the National Municipal League in Chicago.

*

"Public Reporting—with special reference to annual, departmental, and current reports of municipalities" has just been published by the Municipal Administration Service. It is the work of the National Committee on Municipal Reporting of which Colonel C. O. Sherrill is chairman, C. E. Ridley, vice-chairman, and Wylie Kilpatrick, executive secretary. The committee is composed of representatives of four organizations—the American Municipal Association, the Governmental Research Association, the International City Managers' Association and the National Municipal League. The study has been in process two years and we predict that the report will mark a milestone in the progress of taxpayer-understanding of government.

*

Anyone who is pessimistic about the possibilities of keeping municipal government in contact with the people should (in addition to buying the report mentioned in the foregoing paragraph, price 75 cents per copy) send for a copy of the 1931 annual letter addressed to East Cleveland citizens and taxpayers by the city manager and commission of East Cleveland, Ohio. The letter, an annual custom in East Cleveland, is a masterpiece of concise reporting.

*

A charter amendment to repeal the section authorizing municipal gas stations was voted down in Lincoln, Nebraska, by more than two to one at

the election of April 7. This experiment in municipal operation was begun in 1924. It was attacked in both the state and federal courts and was finally sustained by the United States Supreme Court. Although the city owns but one station with four pumps and operates it only during daylight hours on week days and not on Sundays, the enterprise has been a constant issue in Lincoln politics and has received considerable attention from the country at large.

At the same election Lincoln voters authorized a $2,300,000 bond issue to bring water from the Platte river, 26 miles away.

*

Regional Police Coördination

The Cincinnati Bureau of Governmental Research has submitted to the Cincinnati Regional Crime Committee, Alfred Bettman, chairman, a report advocating the pooling of the police resources of the 147 separate police agencies in the six counties in Southwestern Ohio and Northern Kentucky which make up the Cincinnati metropolitan region.

A few of the principal recommendations may be summarized as follows: (1) That the Cincinnati police training school be made available to the region, (2) that teletype equipment be adopted throughout the region, (3) that a clearing house for finger prints and photographic records for the entire region be maintained under the auspices of the Cincinnati police department, (4) that the Cincinnati police department assume responsibility for studying and classifying the distinctive habits and methods of criminals to provide clues to the identity of criminals by study of the methods characterizing a particular crime, (6) that regional police conferences be held from time to time to work out means of coördinating action, and (7) that the Cincinnati police department provide a short course for village marshals, constables, etc., who are elected for comparatively short terms.

*

Will P. R. Survive in Ireland

According to the *Manchester Guardian*, certain Irish politicians want to abandon proportional representation for the election of the Free State parliament in favor of single-seat, single-vote constituencies. The reason appears to be that P. R. favors the "cross-bench mind" as against the sound party attitude. But what pleases the elector is poison to the professional politician, who dislikes independent thinking and wants to restore emotional elections which bring the sound party man into the legislature.

The Irish correspondent of the *Manchester Guardian* reports that the *a priori* argument against P. R. that it fosters groups and produces instability in the executive has not worked out in practice. The Free State is today apparently nearer the two-party system than any country in Europe and its cabinet has had the longest life of any in Europe today. P. R. is said to have made for stability by reducing sensationalism in elections. The single-member district system of England magnifies the effect of a 10 per cent swing-over of voters; and elections there are a fight for this 10 per cent. Under P. R., on the other hand, the conspicuous party leaders are sure of election and the battle centers around the fate of less conspicuous candidates. For such candidates the wise party manager is careful to choose moderate men acceptable to diverse interests.

Thus, in spite of evil legacies, the Dail has shown itself on most subjects, except ancient history, reasonable, free from prejudice and not given to

violent utterances. The danger is that some politicians may induce Mr. Cosgrave to copy the new English bill and try single-member constituencies with the transferrable vote. The effect of this in the Free State, the *Guardian* correspondent believes, would be to promote party spirit and instability.

Irish experience refutes the prediction that P. R. means bloc government and administrative turmoil. While some radical leaders, who would not be victorious under the single-member district system, are elected, the rank and file of the legislature are more moderate and reasonable, less subject to boss dictation, when chosen under proportional representation.

*

Chicago Police Problems

If you want to know what is wrong with police administration in the United States read Chapter III of *Chicago Police Problems*[1] by the Citizens' Police Committee of that city. This chapter entitled, Police Leadership and Control, might appropriately have been headed "A Day in the Life of a Police Commissioner." In a vivid style, all too rare in survey re
ports of government, there is
dramatized the daily routine
occupies the head of a pol
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direct observations of scores of police departments here and abroad the Chicago force stands in a hopelessly inferior position. It is cursed by sinister political influence and a conscious sense of failure.

The report is a careful study of police administration with numerous suggestions for improvement. We predict for it a wide audience and an extensive influence in civic circles. Although scientific and accurate, the style is easy and natural. The work was done by a competent staff, headed by Bruce Smith, which operated in conjunction with a Citizens' Police Committee. This committee was divided into a supervisory committee and an operating committee, with Professor Leonard D. White chairman of the latter. It in turn had the cooperation of a citizens' advisory committee under the chairmanship of Elmer T. Stevens. This elaborate organization adequately guarantees the soundness of the
though they

tious, honest police head and a morale depressive generally.

The report is no long-haired reformer's product. The competency of the staff is well established. Their criticisms regarding police technique are ably presented and few will dissent from their findings and recommendations. The report should be read by thousands in other cities who will find in it many clues to the causes of police inefficiency in their own communities.

If the evils disclosed in Chicago were peculiar to her, the findings would have little national significance, but unfortunately they can be duplicated in some degree in all large cities in the United States.

*

Voluntary Zoning of Rural Highways

A proposal for voluntary zoning of portions of rural highways having high scenic value against defacement by billboards, posters, hot dog stands, filling stations and [illegible]yside commercial [illegible] by Herbert [illegible]utive

non-urban regions of the state. This board would have the right to zone any stretch of roadway as a scenic region upon petition of seventy-five per cent of the owners of abutting property. Along the highway so zoned wayside commercial business of all kinds would be banned, not only on the highway itself but on abutting property, except at such intervals as may be established to meet public necessity and convenience.

The plan proposes further that, on roads along which the owners of abutting property voluntarily forego the commercial use of their properties in this manner, the state highway commission will undertake a definite program of beautification, through the planting of trees and shrubs, through care that bridges erected should harmonize with the general scenic effect, through the adaptation of the highway to the natural contours of the landscape, and through similar measures which would aid in the conservation of the recreational values of the region.

The proposal of Mr. Nelson is better than no zoning at all. If in force [illegible]t the present moment, it would [illegible]oubtedly enable many landowners [illegible]ural highways to protect their [illegible]and other legitimate inter- [illegible]ief criticism is the neces- [illegible]unti[illegible] 75 per cent of [illegible]t their road be [illegible]sonable, is so [illegible]timate exercise [illegible]t it is difficult [illegible]ld await the [illegible]ercentage of [illegible]ties zoning [illegible]rty holders [illegible]emocratic [illegible]w can be [illegible]s against [illegible]e police

HEADLINES

The highway beautification program of Pennsylvania is being vigorously supported by the organized outdoor advertising operators, according to Tom Nokes, secretary of the Outdoor Advertising Association of Pennsylvania. He urges that the department of highways include a representative of the outdoor advertising industry in the deliberations of the roadside planning committee. So business no longer fights but flirts!

* * *

Political wiles can be seen through by the voters just often enough to be encouraging. Oakland, California, adopted charter amendments last fall providing for the city manager plan. The city hall crowd, however, appointed a board of freeholders to draft a new charter. Shrewd, they called it the "city manager plan" and stuck in a manager who had all the powers of a mayor's secretary. Oakland citizens overwhelmingly voted it down at the April election.

* * *

New charters almost invariably lean toward the city manager plan these days. San Francisco has been torn between two loves—the manager plan and the strong mayor plan. Its new charter, adopted at the April election, centers responsibility in the mayor but creates a "chief administrative officer" with powers roughly corresponding to a manager.

* * *

A county manager enabling act has passed the Montana legislature. Blaine County is particularly interested in a change in its form of government.

* * *

A deputy mayor who would be a permanent officer under civil service is proposed for Detroit by Dr. Lent D. Upson. Tradition might make the office as effective as that of manager, he thinks, seeing the need for a continuing administrative executive. Mayor Murphy is not enthusiastic about the idea.

* * *

Discouragement to publicity hounds is the object of a proposed amendment to Detroit's charter specifying that no candidate for public office shall be permitted to withdraw after his petition has been filed unless a written notice of withdrawal is served not later than three days after the last day for filing. If he neglects this, the city keeps his money!

* * *

Citizens of Teaneck, New Jersey, are patting themselves on the back for adopting the manager plan a few months ago. A cut of ten per cent in the tax rate has convinced the most skeptical that there's something in this notion of removing partisanship from administration.

Another county has committed suicide! It's Campbell County, Georgia. Fulton and Campbell Counties have voted to consolidate and Fulton County will gain ten thousand new citizens and 211 square miles of territory on January 1. All the officials of Campbell County lose their jobs as a result of the merger.

* * *

City Manager Daniel E. Morgan would make a fine mayor, comments Maurice Maschke, Republican leader of Cleveland. Political bosses seldom indulge in idle words. If Maschke can't upset the manager plan he can at least steal the manager!

* * *

The following five cities have adopted the city manager plan since January 1: San Diego, California; Dexter, Maine; Asheville, North Carolina; Jacksonville, Texas; Appalachia, Virginia. The San Diego charter, however, still remains to be approved by the legislature. Asheville, in a financial crisis due to bank failures, sees hope in a businesslike administration.

* * *

Strict state supervision over local governments is authorized in the Local Government Act passed by the North Carolina legislature. A board, composed of the state auditor, state treasurer, commissioner of revenue and six others appointed by the governor, will regulate the issuance of bonds and tax anticipation needs and have other important supervisory powers.

* * *

Opponents of capital punishment feel better now. Although the Kansas legislature passed a bill restoring the death penalty in the state by more than a two-thirds vote, Governor Harry H. Woodring vetoed it. Voters of Michigan refused by an overwhelmingly majority to restore the death penalty in their state at a referendum in April.

* * *

The third attempt to secure permanent registration for Kansas City has been defeated in the Missouri legislature, the Kansas City Service Institute estimating that failure to pass the bill will cost the city $200,000 in the next two years.

* * *

Can a city council in a home rule state prevent the application of an optional city government law to its city? That is the queer question presented by the recent action of the Binghamton, New York, city council, which, just prior to the filing of a citizens' petition for a city manager referendum, "repealed" the optional law as applying to Binghamton and refused to honor the petition. Mandamus proceedings are pending.

* * *

Passage by the Iowa legislature of a bill abolishing the fee system for payment of county officials ends a long fight for this constructive action waged by the Des Moines Bureau of Municipal Research.

* * *

Will J. French, state auditor of Kansas, passes up no bets when it comes to publicity. His picture goes out on every check the state issues!

HOWARD P. JONES.

A MODERNISTIC CIVIC CENTER FOR RICHMOND, CALIFORNIA

BY CAROL ARONOVICI

Richmond is an industrial city. To be architecturally appropriate the new civic center must meet the demands of utility as well as beauty. :: :: :: :: :: :: :: :: :: ::

THE industrial development of Richmond, California, has been faster than its increase in population. With a splendid inner harbor in addition to a harbor on San Francisco Bay, important enterprises like the Standard Oil Company and the Ford Manufacturing Company have determined upon Richmond as suitable headquarters for Northern California.

During the real estate boom, Richmond became the victim of over-speculation in land. Having no adequate city plan, it developed in an unsatisfactory manner. Ten years ago a comprehensive plan was prepared by the writer and his associate, Guy W. Hayler. This plan has been carried out in many aspects, including the acquisition and improvement of sixteen parks in less than ten years.

The original comprehensive plan contains provisions for a civic center which have now proved out of harmony with the rapid progress of the city. The mayor with the consent of the city council has, therefore, initiated a project for a civic center capable of expansion as needs may arise.

The present writer was asked to develop a civic center plan which would lay the foundation for an understanding of local needs by the citizens of Richmond. He called in to assist him Richard Neutra, well-known architect and author, and R. M. Schindler, also an architect of the modern school.

It is possible that the civic center will be located in one of the local parks, upon an area of about five acres and fronting on the main artery of travel, but away from the business center of the city. This location, which usually might not be considered desirable because it takes park area which might be put to other public use, in this case harmonizes with the city's effort to create an architectural center sufficiently isolated from the rest of the city to give it integrity and save it from unavoidable conflict with the average building which might be constructed nearby and over which the city would have no control.

THE GROUND PLAN

The ground plan was concerned with the following requirements:

1. Non-interference with the general flow of traffic.

2. Classification of functions, with separate and distinct approaches for each function, such as police, library, technical departments, auditorium, etc.

3. Removal from the street and park of all parking having to do with the actual work of carrying on the city's business. Underground parking for official cars.

4. Centering of all buildings about a court so as to afford double façades and avoid raw wall spaces.

5. Connecting the group of buildings by a pergola, which will provide for pedestrian traffic between buildings

and will add a feature to the general scheme which is capable of satisfactory landscape and planting treatment.

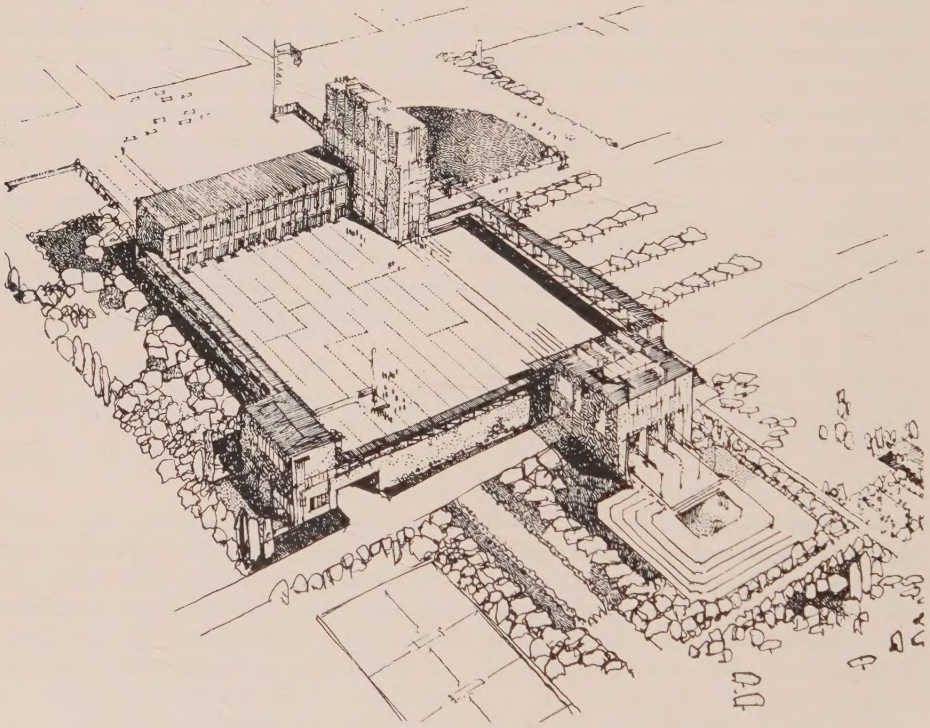
ARCHITECTURE

The architecture is of a distinctly modern type and without the usual over-ornamentation of civic center buildings. This was essential in a community where utility is of first importance and where classicism or any other type of architecture which imitates rather than creates had no place.

The buildings which constitute the Richmond Civic Center include the city hall, quarters for the fire, police and technical departments, the city public library and the auditorium.

Each building may be constructed independently and each will be related to the local street system.

The plan is, of course, subject to changes which may be suggested as the problem is considered further in its various aspects. There is, however, a strong public opinion in favor of a civic center and the present plan is an effort to give concrete expression to a community aspiration.



CIVIC CENTER PROPOSED FOR RICHMOND, CALIFORNIA

THE CITY PLAN OF BOULDER CITY

BY S. R. DE BOER

City Planner, Denver, Colorado

A new, made-to-order city is arising to house the persons employed on the construction and maintenance of the Hoover Dam. Its plan incorporates the most modern ideas of how a town should be built.

Boulder City, Nevada, is the model town being built by the bureau of reclamation of the department of interior as a small town for the housing of the men employed on construction of the Hoover Dam across the Colorado river. It is located twenty-five miles east of the city of Las Vegas, Nevada. It is expected to house not less than 2000 people and probably as many as 5000 people during the construction period, and between one and two thousand afterward. The town site is located on a tract of land overlooking the proposed Boulder Lake and its 220 square miles of water. For climatic reasons the site selected is not located directly on the lake shore but is on higher ground, with cooler temperature and with better advantages as to soil, drainage and topography than were available on the lake shore.

TO BE A MODEL CITY

In the building of the Hoover Dam this small town is of secondary importance but Dr. Elwood Mead, commissioner of reclamation feels that the town should come up to the standard of efficiency set by the bureau and, above all, that on this desert he must create living conditions for his men that will tend to keep the construction forces contented and prevent a too great turnover. With this thought in mind, the plan of Boulder City has been based on the idea of making it a model city.

The plan of the city consists of a large V, with main traffic lines along each side and a third one through the middle. These three major streets all center in the apex of the V which is the main entrance of a government office building. Two other buildings for government use form, with the first one, a small civic center group with an open park on the side of the city. In this way the government buildings are the focus point of the city which will lie fanlike to the south of the building group.

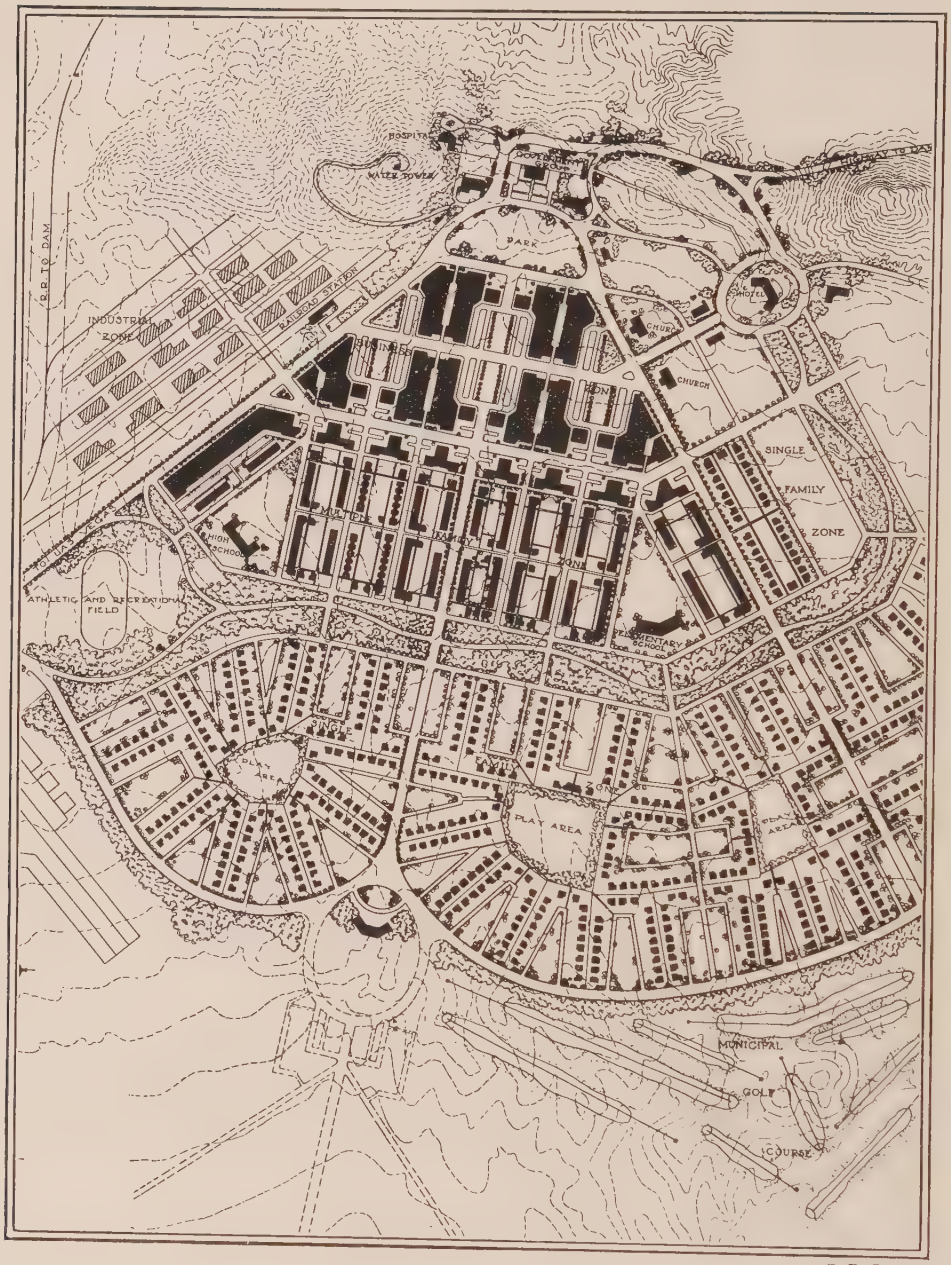
TO AVOID TRANSPORTATION DIFFICULTIES

Many new thoughts are embodied in this plan of Boulder City. An attempt has been made to design a city which, from the standpoint of the business district, as well as from the standpoint of the residential areas, prevents the transportation difficulties common to modern cities. Among the new ideas embodied in the plan are:

1. In the business district the parking of automobiles on the streets will be prohibited. Instead of the usual curb parking, provision is made for the parking of automobiles on open plazas.

2. Instead of business streets, all stores and offices are located around open squares, the interior of which are to be used for parking automobiles.

3. With this arrangement it is possible to create store groups of unusual beauty. With automobile parking space in the plazas in front of



GENERAL PLAN—BOULDER CITY, NEVADA

S. R. DeBoer

the stores, customers can drive within close proximity to the business houses.

4. The grouping of stores around the squares will be done according to the laws of natural zoning found in nearly all cities, namely, stores for clothing and wearing apparel will be together and so will grocery and foodstores,

furniture and hardware stores, printing shops, laundries, automobile service stores, etc. Among these will be placed stores of general service such as restaurants.

5. Instead of the usual corrective measures embodied in zoning laws, an attempt will be made to regulate all building matters by architectural control. A master plan has been made to which all buildings must fit. With the use of the plaza plan this is expected to give unusual results.

6. On the plan, through traffic and business traffic have been separated.

7. The provision of many zoning ordinances for extra open space along alleys to afford loading and unloading space for trucks has been embodied in the street plan, in other words the extra width is dedicated to the public.

FROM BLOCK PLAYGROUNDS TO FORESTS

8. The multiple family zone adjoins the business district and consists of long blocks in which the middle part has been kept open to be used as a block playground. These blocks are 900 feet long and cut in the middle only by a walkway. In this way cross streets are avoided. The houses are to front in and garage will be on the street side.

9. A wide belt of forest is placed around this first unit of the city. Forest planting is used on account of its greater economy of maintenance in the hot desert location as compared with regular park treatment.

10. A new type of open residential development is proposed outside of this forest belt. It consists briefly of the elimination of all streets from a fifty to sixty acre area of homes with the exception of the boundary streets. The boundary streets are the main arteries of the city. On these boundary streets are placed a number of groups of homes placed around the outside of a V-shaped open tract. Every group contains eighteen homes. The space inside the V belongs to the abutting owners but must be kept by them according to the planting arrangement of the group. A narrow road of semi-public character ties the homes to the main street. The advantages of this system are that no home fronts on a traffic artery. All homes front on a small open space; all homes are close to a good traffic street without suffering from it. In the interior of the area all the groups connect with a central playground, which is absolutely safe, close to all homes, and attractive. The per family cost for street construction in this type of residential development is less than in the usual type of gridiron blocks. Every home has a good setting and the treatment can be elaborated for larger homes and made smaller for small homes.

11. On the plan the second girdle of the city is formed by the airport and a golf course. The city is not expected to grow beyond this but plans for extension are indicated.

12. Commercial hotels front on the civic park; a tourist hotel is located on a knoll adjoining the city.

13. Churches are all grouped in one section of the city to stimulate religious consciousness.

14. Use is made of every public building to create street vistas. The railroad station is at one end of Main street; the leading church at the other end, and the city hall and post office form the closing buildings of the central plaza.

15. A grade school and a high school will front on the forest belt. Both are located away from traffic lines and are given an attractive setting. An athletic field adjoins the high school.

SAN FRANCISCO APPROVES PLAN FOR CONSOLIDATION WITH SAN MATEO COUNTY

BY ALFRED H. CAMPION

Former Secretary, San Francisco-San Mateo Consolidation Committee

The scheme for a consolidated government for San Francisco and San Mateo County, approved by the voters of San Francisco, will now be presented to the voters of the county. :: :: :: :: ::

San Francisco's new charter, which was adopted by vote of the people on March 26 (and now awaits only the approval of the legislature to become effective in 1932) carried lengthy provisions dealing with the future consolidation of San Francisco and San Mateo County. The track is now clear for the San Francisco board of supervisors to submit to the voters of San Mateo County a specific proposal for consolidation under a charter plan the terms of which are definitely known. According to the California constitution, a proposal for consolidation must receive a favorable majority vote in San Francisco, in San Mateo County as a whole, and in each incorporated city of the county. The first has now been attained.

It is expected that the state legislature will follow precedent by approving the new charter. To avoid possibility of a slip-up, however, a consolidation amendment to the existing charter was submitted to the San Francisco electorate at the same time and was carried by a much larger majority than the new charter itself. Should the new charter not be approved by the legislature, the charter amendments providing for consolidation under the same terms become effective.

SAN FRANCISCO'S NEED FOR EXPANSION

San Francisco's need for expansion is apparent to all who are familiar with the city's geographic position. The city comprises 42 square miles of land area on the tip of a peninsula. Because it is both a city and a county, with the county line crossing the peninsula less than seven miles from the city hall, it has been denied the usual prerogative of a city of annexing territory within its county area. The spectacular growth of Los Angeles, its great rival city on the south, by wholesale annexations until it covers more than ten times the area of San Francisco, has not failed to leave an impression.

Outstripped in the race for population, San Francisco has naturally turned to the only methods of expansion open to it. Although it has recently voted a $35,000,000 bond issue to bridge its famous Golden Gate by a physical connection with its vast hinterland to the north, the only immediate hope of political expansion is southward down the peninsula into San Mateo County. San Mateo County is the remnant of the original San Francisco County which was created when the city of San Francisco was divorced from the rest of the county in 1856 to form the present City and County of San Francisco.

The procedure prescribed by the constitution for regaining for San Francisco territory which was once a part of the same county places San Francisco in a more advantageous

position than are some other metropolitan cities. The state constitution provides expressly for the enlargement of a city and county to include territory in another county, and as San Francisco is the only city and county in the state, the provision applies solely to San Francisco. On the other hand, San Mateo County and its incorporated cities have a multiple veto power over any consolidation proposal which may not be agreeable to them. The county and its localities are just as jealous of their independence as the satellite communities surrounding any other metropolitan city.

Several movements in the past to unite San Mateo County, or a part of the county, with San Francisco have failed to reach the voting stage. About four years ago, however, the San Francisco Chamber of Commerce sponsored a fact-finding survey which was made by the San Francisco Bureau of Governmental Research. As the result of the publication of the survey, a committee composed of citizens of the two communities was organized to make further studies and take such steps as appeared advisable. Colbert Coldwell, a prominent civic leader and former president of the San Francisco Chamber of Commerce, was chosen chairman.

One of the first efforts of the committee was to induce the 1929 state legislature to pass a revised and modernized enabling act to make effective the consolidation provisions of the state constitution.

The constitution provides that charter amendments, or a new charter, looking towards consolidated area government to become effective upon consolidation, may be adopted prior to or made a part of a formal consolidation proposal. In order that the terms would be generally understood before a vote is taken, the committee decided that the San Francisco charter should be amended prior to the submission of a formal proposal for consolidation.

THE PLAN OF CONSOLIDATION

The consolidation provisions upon which San Francisco voters acted on March 26 represent only a step, but an essential one, in the program to bring about a greater San Francisco. As a plan for the political integration of a metropolitan area, they propose a system of government unlike any in operation or suggested for any other large city on the continent. It is designed to meet the particular requirements of the state constitution and the political conditions existing in San Mateo County.

The outstanding feature of the plan is the creation of a system of optional boroughs in the territory to be consolidated. These boroughs will have exclusive powers to perform nearly all the functions of the present cities of the county, except police and fire protection, health services, building inspectional services, and water supply. They will have sufficient legislative and fiscal powers to enable them to operate as autonomous units within the city and county. A large measure of home rule is guaranteed them by the state constitution which prescribes that, once a borough is established, its boundaries can never afterwards be changed, nor can it be consolidated with any other borough, nor disestablished, nor can any of its powers be modified or transferred to the city and county, unless the borough voters first give their consent.

As a concession to local sentiment, the present consolidation plan provides that upon consolidation every incorporated city in the county will automatically become a borough. There are now twelve such cities with populations ranging from 400 to 14,000. Many persons believe these units

are too many and too small. But the committee took the position that, if boroughs may enlarge their boundaries, consolidate, or vote disestablishment, at their option, economic conditions incident to maintaining borough status will be a far better determinative of their number and size than any arbitrary political action. To encourage more comprehensive borough areas, the plan provides for a borough commission to make a report on modification of borough areas within two years after consolidation, and until the commission reports, no new boroughs may be created. Any new borough must have at least 3000 population.

The plan of consolidation provides for a generally uniform borough organization, based on the organization of the two charter cities in the county. Elective officers will be the members of the borough council and a borough controller. Borough managers will be optional, contingent on a borough vote, except that incumbent city managers will continue as borough managers. As far as possible, city officers and employees will continue in borough service. Boroughs will continue city contracts, special assessments and other public works under way. City ordinances may also be continued as borough ordinances, if not inconsistent with city and county ordinances. Civil service and pension benefits for borough employees will be optional, contingent on a borough vote, but, if provided for, the borough systems will be administered by the respective departments of the city and county and according to city and county procedure. At present no city has either a civil service or a pension system.

BOROUGH FINANCES—DIVISION OF FUNCTIONS

Borough taxes will be levied on the city and county assessment and the tax limit will be $1.00 on each $100 of taxable property. Boroughs may issue bonds for any borough public improvement, the debt limit being five per cent of taxable borough property. Borough taxes will be collected by the city and county and the city and county treasurer will have custody of borough funds. The city and county auditor will audit borough accounts, although a borough may provide for an independent audit and the borough controller will have important responsibilities concerning all borough financial transactions. The city and county will provide boroughs with legal services, although a borough may employ its own counsel. The city and county will also supply engineering and architectural services to the boroughs and will purchase borough supplies, and conduct borough elections.

The board of supervisors of the city and county will have power to determine what major highways, main trunk sewers, parks, playgrounds and recreational facilities within borough limits shall be constructed and maintained by the city and county. The board may also provide for borough sewage or garbage disposal, but until it does, boroughs may dispose of their own.

A major problem was the development of a tax plan for such a flexible system of local government. The plan incorporated in the charter contemplates that the city and county will levy a uniform tax on the area, including the boroughs. For those boroughs which maintain streets, sewers, libraries, parks and playgrounds, which otherwise would be an obligation of the city and county, the board of supervisors will provide a uniform system of subventions from tax funds, provided that the subvention to any borough in any fiscal year shall not exceed either the aggregate amount appropriated by the borough for such

purposes, or the amount raised by city and county taxes for like purposes levied against the taxable property of the borough. The equity of such a tax plan remains to be worked out by the committee on the basis of a number of factors which are as yet conditional.

All of the county functions will be merged with those of the city and county with provisions for continuation of certain officers and employees. State law provides that the San Mateo County superior court will become a department of the superior court of the city and county and will continue to hold sessions at its present location.

The plan preserves the integrity of the existing city and county government of San Francisco and makes it possible for the local communities in the territory consolidated to preserve their integrity through borough governments for local affairs. One county government and more than two score county districts will be automatically eliminated. Borough government is not imposed and need not exist except to the extent that a local community finds that it gives better service and is worth the cost. Consolidated city and county government automatically begins wherever borough status leaves off.

SAN FRANCISCO ADOPTS A NEW CHARTER

BY WILLIAM H. NANRY

Director, San Francisco Bureau of Governmental Research

The new charter, unique in some respects, will improve the efficiency of San Francisco's government. :: :: :: :: :: ::

On March 26, at a special election called for the purpose and after a particularly active campaign, the citizens of the City and County of San Francisco, by a majority of 13,638, adopted a new charter. The total vote cast was 104,800, breaking all existing city records for balloting at a special election.

The anti-charter campaign, sponsored in large part by various organized groups of municipal employees, was characterized by a series of misrepresentations and opposition to certain provisions of the new charter which the opponents felt would interfere with their "rights." It has been stated that more political pressure was brought to bear in the campaign than in any other local campaign during the last forty years.

POLICEMEN AND FIREMEN OPPOSE THE CHARTER

Either by deliberate misrepresentation or as a result of careless reading of the new charter, word was spread that the present police pension benefits had been curtailed, and also those provided for the firemen. In this way the members of the police and the fire departments were brought into the fight. Civil service employees were enlisted in opposition, on the ground that the new charter jeopardized their status and existing rights.

These misstatements were, of course, corrected by the publicity, speakers, paid advertisements and radio addresses under the auspices of the New Charter Citizens' Committee, an organization formed to work for the

adoption of the new charter. Such corrections, to judge by the vote at the election, not only impressed the public but indicated the overstatements and unsoundness of the anti-charter campaign, with the result that the anti-charter campaign helped to carry the new charter.

Two of the four daily papers of San Francisco favored the charter, one conducting a very strenuous campaign for its adoption. A third paper was neutral. The fourth paper launched and continued throughout the period a very bitter campaign against the new charter.

The board of fifteen freeholders which wrote the charter was elected last August. The election was called by the board of supervisors as a result of the prior organization (March, 1930) and functioning of a Citizens' Charter Revision Committee. This committee had for its purpose the improvement of the old charter by an amendment which it planned to submit at the November, 1930, election. It was felt in various quarters that the election of freeholders would block charter revision. However, because of the high type and representative character of the fifteen citizens who were chosen as freeholders, the charter which they produced is conceded to be, in many of its particulars, one of the best that has been before the voters of any large city.

A MATERIAL IMPROVEMENT

The Bureau of Governmental Research believes the city manager plan to be a better structure for a municipal government than the strong mayor plan, which the new charter establishes. The bureau has advocated the city manager plan for years, and presented and urged its adoption before the board of freeholders. The bureau believes, however, that the new charter represents a material improvement in the city's governmental organization and procedure as compared with the organization and procedure fixed and established by the old charter.

The new charter is drafted as the fundamental law of the city and county. It establishes the widest range of municipal powers that the state constitution permits. It provides for flexibility under which disputes as to jurisdiction can be solved without future charter amendments. It eliminates many matters of ordinance regulation that are written into the existing charter, which have proved to be inflexible and have continually hampered the city in meeting new governmental conditions. Such grant of general powers and flexibility should obviate the need of the large number of proposed charter amendments that both officials and citizens have been burdened with in the past under the old charter.

A NEW FEATURE—THE CHIEF ADMINISTRATOR

One of the outstanding features of the new charter, and one which is unique among municipal charters, is the position of chief administrative officer, an official appointive by the mayor—but removable only by the supervisors or by recall—who will have in his charge several strictly administrative departments of the city.

The charter, which becomes operative on January 8, 1932, establishes a "strong mayor" government, reduces the board of supervisors from 18 to 11 members, and makes this body definitely a legislative board, relieving it of all administrative duties. Under the old charter the supervisors exercised many purely administrative powers and duties.

Besides the mayor and the supervisors, the following officials will be

elective under the new charter: assessor, treasurer, city attorney, district attorney, sheriff, public defender, and judges of the municipal and the superior courts. Six "county" offices, heretofore elective under the old charter, are made appointive under civil service by the new charter.

MAYOR ESTABLISHED AS EXECUTIVE HEAD

Executive responsibility is definitely centered in the mayor under the new charter, through the appointive and the budgetary powers vested in him. Besides the chief administrative officer and the controller, he will have the appointment of the following boards and commissions: Fire, police, civil service, city planning, retirement, parks, recreation, library, public utilities, permit appeals, fire prevention appeals, and art. The last four are new boards.

The executive budget duties of the mayor represent the principal change that the new charter establishes in the office of mayor. The old charter established a legislative-budget procedure, with a very cumbersome disbursing procedure under which the board of supervisors exercised the major powers and duties.

Under the new charter the mayor is vested with authority and responsibility for (1) considering and acting on the annual budget estimates of all revenues and expenses of all departments of the city and county, (2) modifying these and coördinating them into a single, complete financial program for the city, and (3) proposing this as an annual executive budget to the board of supervisors, on whom will rest responsibility for final action. The so-called annual budget of the city and county under the old charter has been a budget of expenditures only, and, furthermore, of only a part of the city's proposed expenditures. Under the new charter all revenues and all estimated expenditures of the city will be budgeted.

The chief administrative officer, appointed by the mayor, may be removed by a two-thirds vote of the supervisors, or on charges filed by the mayor and sustained by a three-fourths vote of the supervisors, or by recall by the voters. This official is placed in charge of the existing departments of public works, health and electricity, of the bureaus or offices of purchasing, real estate, county coroner, county welfare bureau, county horticultural commissioner, and county sealer; and also of a department of finance and records, in which the offices of county clerk, tax collector, county recorder, registrar of voters and county public administrator are placed.

All of the officials and employees under the chief administrative officer will be subject to civil service, except the directors of health, public works, purchasing, and finance and records.

FISCAL PROVISIONS

Besides the appointment of the chief administrative officer, the mayor will also have the appointment, subject to confirmation by the board of supervisors, of a controller, as chief accounting officer of the city and county. His duties include the pre-auditing of all purchase orders, contracts and other proposed city liabilities before such liabilities may be incurred by any department head; the auditing of the accounts of all boards, officers and employees of the city and county; the preparation of monthly reports and the submission of these to the mayor, the supervisors and other city officials; and similar important accounting and expenditure-control functions. The charter provides that the controller's accounts shall be audited annually by

outside accountants, by order of the board of supervisors.

The duties of the purchasing department are expanded to include the operation of a central warehouse and stores, as well as of a central shop and garage for maintenance and upkeep of city-owned equipment in use in the several departments. Contractual provisions, relative to public works as well as to purchasing, are materially tightened up.

The city's cumbersome bond issue procedure under the old charter is materially simplified in the new charter, being based in the main on the general laws of the state of California covering bonded indebtedness procedure for municipalities.

PUBLIC UTILITIES COMMISSION

The establishment of a non-political, business-like public utilities commission, which the Bureau of Govermental Research, other civic organizations and the press have urged for many years, is insured by the new charter. A commission of five members will take over the management, control and operation of the municipal railway, the water department, the completion of the Hetch Hetchy water supply project, the airport, and any other utilities that may be acquired and operated by the city and county. The chief executive of the commission will be a manager of utilities, appointed by the commission. This official is authorized to appoint and remove, subject to the approval of the commission, the head of each utility under the commission's jurisdiction.

One of the most important powers of the commission is that of rate-fixing, subject to review by the board of supervisors. The supervisors may reject, only by a two-thirds vote, any proposed rates estimated to produce sufficient revenues to meet all expenditures of the utility, while any proposed schedule of rates that will not meet all expenditures of a utility must secure a two-thirds vote of the supervisors to approve such schedule, in which case provision must be made for the raising of funds by taxation to meet the deficit.

CIVIL SERVICE IMPROVEMENTS

Civil service rights of all employees now under civil service are continued. The merit system is extended to the positions in three departments, and to a number of individual positions in various offices, heretofore exempt from civil service. This will have the effect, not only of extending the merit system, but also of opening up promotional opportunities for civil service employees in the lower ranks in these offices.

The salary standardization principle provided by the old charter is also carried over and certain improvements in procedure are provided. The supervisors are required to adopt a schedule of compensations based on "like pay for like work." Until this is done, no compensation may be increased by the supervisors so as to exceed the salary or wage paid for similar services in other city departments or in private employment, nor so as to exceed the rate fixed in a schedule of compensations which had been reported by the civil service commission to the supervisors in April, 1930.

Prohibition of "active participation" in politics relative to the election or appointment of public officials is extended to all civil service employees; only members of the fire and the police departments were included in this prohibition under the old charter.

PENSIONS

The present retirement system for teachers and the general employees of the city, scientifically established on an actuarial basis and under which ade-

quate reserves are being provided by joint contributions of the city and the individual employees, is continued and its provisions extended to policemen and firemen who enter the respective departments after the charter goes into effect. The old charter provisions relative to present members of the fire and the police departments, and retired members and beneficiaries on the fire and the police pension rolls are continued with some additional benefits and improvements.

The charter also provides that any person receiving a pension shall not hold or receive payment for any city office or position. To prevent pension abuses, it also provides that any person, except one retired for disability, who retires at an early age (retirement at 47 or 48 is possible under the present fire pension system)—and, while receiving a city pension, is employed by a private firm or another city—shall be subject to a reduction in the amount of his city pension payment so that such payment, plus the wage or salary earned in such private employment, shall not exceed the compensation under which the retirement allowance was based. This provision in the new charter is similar to the present ordinance provision governing general employees and teachers. The equity of such a provision is obvious.

The charter carries lengthy provisions looking toward the future consolidation of San Francisco and San Mateo Counties. These provide for the establishment of boroughs in the present San Mateo County, in the event of consolidation, and for the organization, powers and duties of the boroughs.

The Bureau of Governmental Research believes that the new charter provides for a great improvement in the city's governmental organization and procedure.

REDUCED COSTS THE KEY TO REDUCED MUNICIPAL TAXES

BY ROWLAND A. EGGER
Griffenhagen and Associates

The New Jersey commission on local taxation and expenditures makes a state-wide investigation of local government costs and proposes new methods for getting and keeping them down. :: :: ::

WHY are local taxes so high? What can be done about reducing local rates? These are the problems with which numerous commissions throughout the United States have dealt. They are the basic problems with which the New Jersey commission on county and municipal taxation and expenditures has been confronted.[1] The previous answers to these questions have, since tax limitation became *gauche*, been almost entirely concerned with a shifting in the incidence of the burden—suggestions of state income taxes and separation of revenue sources, additional revenue measures, and kindred pharmacopœial remedies which have become standardized among government reformers.

[1] The Commission to Investigate County and Municipal Taxation and Expenditures, *The Organization, Functions and Expenditures of Local Government in New Jersey.* (Trenton 1931)

This time new answers have been formulated. In addition to rather spectacular discoveries regarding specific phases of waste in administration, the investigation is significant as the precursor of a new technique in governmental financial research.

There are 562 municipalities, 543 school districts, 21 counties, and countless special districts in New Jersey.

This is the first time in the history of governmental investigation that a detailed study of functional costs has been made for all local governments in a state. This, in turn, was possible only because New Jersey, through the activities of the state department of municipal accounts in the supervision of local finance, has for some years past been collecting budget, audit, and debt reports on the financial condition of every county and local government in the state. The reports of the county superintendents to the state education department contain substantially the same information for school districts. A thorough and scientific analysis and classification of this information yielded very tangible basic data upon which to proceed.

This information was indispensable in the unique approach which the commission had agreed upon as being most constructive. It permitted a composite view of governmental services in all their relations—a survey of local government as one of the agencies supplying services and phases of services to the public. Thus, in arriving at service costs, the expenditures in the pursuance of the function of every spending agency involved whether state, county, municipality, or special district was included in the calculation.

COSTS AND WASTES IN MUNICIPAL SERVICES

With this information in hand the commission was able to proceed with two objectives in mind; first, the discovery of the portion of the tax dollar consumed in the performance of each service; second, a further analysis of the administration of these functions with a view to economy and efficiency.

It appeared early in the investigation that a major portion of county and municipal expenditures was concentrated in four services—education, highways, protection, and interest on debt. These are the burdensome local services. Because these services consumed such a large portion of government revenues, it was felt that a detailed investigation of their administration probably would reveal the prevalent organizational defects, as well as the basic faults in administrative technique, which findings could then be verified for the remaining services by the investigation of particular phases of their administration. Detailed functional studies of education, highways, protection (chiefly police and fire), as well as a comprehensive debt study, have been made, together with investigations of general financial administration and special assessment.

POSSIBLE ECONOMIES IN FUNCTIONAL COSTS

On the basis of the functional studies three approaches to the problem of economy were made. The first of these considered the agency of administration. In the functional studies the broad problem of the structure of government assumes a concrete application, and the structural needs of supplying a particular service are made apparent. Is the right geographical unit performing this function? Should it be transferred to a larger unit, or would the establishment of adequate state supervision and expenditure control be effective? If it should be transferred, should it be allocated to the county, to the state, or should an

intermediate unit, the region, be created for its performance?

The second aspect of the functional studies deals with the possibilities of establishing a superior type of expenditure control, based upon adequate knowledge of local service requirements and scientific unit costs. In general, the lack of adequately formulated service standard costs results in inevitable waste. The functional studies attempt to indicate the methods by which standards of service costs for particular functions may be formulated, and the use to which they may be put in eliminating waste and inefficiency.

In Section 3 of Report I, the commission proposed the creation of a division of municipal standards and costs in the department of municipal accounts, empowered to "compile information relative to the costs of operating the various departments and services in the municipalities and counties," . . . "prepare, from time to time, suitable standard or unit costs for the several municipal and county departments and services which shall be based upon the analysis of the data and information obtained from the municipalities and counties under the system of accounting and reporting herein authorized." . . . "The commissioner of municipal accounts may require the municipal or county budgets to show, in parallel columns, the amounts for any department or service as determined by his standards of service and costs and the actual estimates for such department or service where such estimates exceed his standards." While the outlined functioning of the division of municipal standards might appear to be an overly theoretical method of expenditure control, the practicability of this type of supervision receives concrete illustration in the functional studies.

The third approach concerns the details of administration and the law. Can certain sections of urban areas be better and more cheaply policed through motorized patrol? What would be the effect of elevating structural standards and increasing fire preventive activity in reducing fire protection costs? What has been the effect of attempted legislative control in administration, and wherein has it failed? What should be done toward the rationalization of the laws?

RECOMMENDATIONS

On the basis of the data thus compiled, supplemented by intensive field investigation at every point, as well as a careful analysis of legislation governing municipal organization and administration, the commission has arrived at certain definite conclusions:

1. Local governmental organization and structure must be simplified. The commission suggests a simplified optional charter system. It also insists upon a substantial reduction in the number of local government units as an indispensable antecedent to successful central administrative supervision and rational functional reallocation.

2. A basis for intelligent criticism of public expenditures through the development of standards of service and costs must be established, as indicated above.

3. The responsibility for the performance of various services must be reallocated according to logical analysis rather than by accident or tradition. The commission suggests the transfer to the state, for example, of a considerable part of the present system of county roads, all custody of persons under sentence, all care of diseased and dependent persons now in county institutions, and all county courts. It suggests also, as a corollary of the differentiation of rural-urban areas, and the consolidation of contiguous urban municipalities, city-county separation

or, alternatively, the transfer of all save strictly construed "purely local" functions to the counties, and the abolition of rural sub-county municipalities. While affirming the inevitability of regional government, the commission warns against allowing functional duplication between regional and local governments, and the multiplication of taxing authorities.

4. On the basis of this integration, the commission points out the need for state and local coöperation through coöperative home rule. By coöperative home rule, the commission is talking of something more tangible than a mere point of view. In New Jersey there has been at the same time too much local anarchy and too much legislative meddling—a plethora of home rule in some matters and a dearth of local independence in others. The commission proposes not only the retention of responsibility for the administration of local affairs by the municipality, but the actual authority over their administration. On the other hand, it proposes that the state provide the locality with the basic data necessary to secure full value for its tax dollars, and insure the availability of such information to the local governing bodies.

5. The administration and policy-forming functions of government should be separated, and expert administrators should be given the task of actually doing the job.

6. The spoils system should be abolished.

FINDINGS FREE FROM POLITICAL PRESSURE

The commission has perhaps been unique also in its freedom from political pressure in its findings. This freedom has enabled it to formulate a program of reorganization which probably will take several years to accomplish. At the same time it has offered concrete proposals for the remedy of extant defects, some of which have already been enacted into law, some of which are feasible of immediate adoption, and some of which are designed to accompany the slower moving processes of basic readjustment. The report, on the whole, presents a program, the effectiveness of which does not impend upon the immediate adoption in toto of the structural recommendations correlated with the general program.

J. H. Thayer Martin is chairman of the commission. It has had the directing counsel of Dr. Harley L. Lutz of Princeton University. The work has been carried on by a staff assigned from the organization of Griffenhagen and Associates under the leadership of Hugh J. Reber, chief of staff.

HOW THE RADIO AIDS POLICE WORK

BY H. T. SHENEFIELD

Secretary, Toledo Commission of Publicity and Efficiency

Toledo's experience demonstrates the radio's utility in catching criminals. More than sixty cities are already operating or have under construction police radio services. At least three states are doing likewise. :: :: :: :: :: :: :: :: :: ::

BACK in 1921 William P. Rutledge, then superintendent and later commissioner of police in Detroit, got the idea that radio might be used for the purpose of dispatching police scout cars. After much experimentation the system was finally put into successful operation in 1928. The Detroit Police Department thus became the first to use radio broadcasting successfully for the purpose of dispatching police cars. Not that other departments did not play with the idea, like Chicago, where over WGN a symphony might suddenly be interrupted while a stentorian voice boomed out on a nation-wide hookup the fact that at that very minute some second story men were "pulling a job" at Gumbo street and Prairie avenue.

One of the difficulties encountered in the early days in Detroit was the fact that regular receiving sets were used and men in the scout cars tuned in on nation-wide hookups and missed Detroit holdups. Another was encountered in the way of poor reception and numerous "dead spots." It was thought at the time that this was due to the downtown location of the broadcasting station and so it was moved to Belle Isle. These wrinkles were subsequently ironed out and it now appears that the trouble was due to defective broadcasting and receiving apparatus and not at all to the downtown location. Some, of course, objected that the idea was as good for crooks as for police officers and that it was a nicer plaything than it was an instrument for coping with the ultra-modern criminal. Nevertheless, Rutledge finally secured partial acceptance of the idea and by September, 1928, eight scout cars were equipped with radio receiving sets locked to the short wave length of the Detroit Police Department Station WCK.

SOME NOTABLE CATCHES

It was not long after the scout cars were so equipped that some marvellous "catches" took place. One of these cases was a holdup in a restaurant. The alarm was turned in and a broadcast for the precinct scout car sent out by the station. The scout car happened to be cruising not more than a block away and arrived at the scene of the crime almost immediately. Upon entering the place the officers were mystified by the fact that no one was in sight. Proceeding to the kitchen they caught the holdup men red-handed in the act of robbing cooks, waiters, and customers. Other such spectacular episodes followed.

During September, 1928, with eight radio equipped scout cars, arrests were made on 101 runs in a total elapsed time of 78 minutes between the time of broadcasting the order and the arrival at the scene of the offense. An average of less than a minute in responding to calls was enough to make the most case-hardened advocate of the "flat-

foot" school of policing listen to reason. Early in 1929 all Detroit scout cars were so equipped. Shortly Chicago borrowed some of Detroit's men, and inaugurated the same system. Other cities followed and are still following Detroit's shining example. According to the announcement of the federal radio commission last March, police radio broadcasting stations were being operated or being constructed in 60 cities, two townships and three states. At that time construction permits had been authorized for 20 other cities, one state and for the New York fire department. Seattle has installed a second station and Chicago a third.

The idea has not only taken hold; it is sweeping the police departments of the country. Some object rather cautiously that so long as it is possible for ordinary sets to pick up police broadcasts that the resultant advantage to crooks is equal to that of the police. The answer is that very few ordinary sets will pick up low wave police broadcasts without a special attachment. Even so, how do they know from which direction the police cars will come? One might, of course, design "the perfect crime" where radio would not help the least bit. The answer is that such crimes do not exist outside the "thrillers."

There is, unfortunately, no governmental calculus to determine with fine precision how small a city may profitably use such a system. Grosse Pointe Township, in the Detroit suburbs, with a population of approximately 20,000, is using radio and feels that it is a good investment. New applications are being received regularly by the federal radio commission and that body is anticipating a great extension of the system by setting aside eight channels in the short wave bands, outside the reach of ordinary broadcast receivers, for such services.

VALUABLE BUT NOT A PANACEA

For the benefit of those people who remain "doubting Thomases" on the plan, as well as for those who see it as a great panacea, it should be said that it is neither a failure nor a panacea. While it may serve somewhat as a deterrent to crime, it does not have its main value as such. No doubt it does serve this end to an extent, as shown by the following incident. Just before the installation of radio in Toledo, "Cadillac Joe," a local crook with a predilection for Cadillacs, was captured. On being questioned by detectives he voiced the best tribute to police radio which has ever come to my attention when he said, "I had intended to pull just one more job and then screw out of Toledo; this radio stuff just makes it too tough."

Since the installation in Toledo a number of advantages have been manifest. The most important one is the great saving in time necessary to respond to calls. Before its adoption, except on the most urgent calls where speed cars were sent from the central station or from one of the substations, scout cars called in to the dispatcher's office only once in every 30 minutes. Thus scout cars were not available for thirty minutes after they had called in and anything except minor complaints, which might wait until a scout car called in, necessitated the dispatching of a speed car. The scout car, or several of them if the complaint was on the edge of a district, might be cruising within a block and not know that they were needed. Scout cars now can give the public quick service, and no citizen likes to wait a half-hour for effective police protection; the speed cars in substations are not necessary and have been converted into scout cars, and one substation has been abandoned. All scout cars know

everything they need to know since they get broadcasts of what is happening all over the city and are much better prepared to aid in apprehending law violators of all sorts, especially, auto thieves, hit-skip drivers and anyone wanted by the police who may be driving an auto. To put it shortly, every scout car is still a cruising scout car now, as before, until the dispatcher broadcasts an order when the car receiving the order immediately becomes a speed car. Then it has an advantage even over the speed car since it is cruising in the district and is not stationed at the central station or some substation.

TOLEDO'S SYSTEM—COST IS SMALL

Toledo's police broadcasting station WRDQ is located in the new Fire and Police Alarm Building and 16 cars have been equipped with radio receiving sets locked to the station wave length. A copper screen type aerial is concealed in the top of the Whippet sedans, which are used for scout cars, and the loud speaker is attached to the top at the side of the rear window. The dispatching room is located in the Fire and Police Alarm Building. The dispatchers now announce their orders before a microphone instead of phoning them as before.

The cost of the broadcasting equipment and the receiving sets was small. The station equipment was installed for $8,872.50 and the receiving sets were bought at $94.50 per set. The budget allowance for 1931 for the radio branch is $14,930. This includes all current operating expenses but about half of the salary items. It includes the superintendent of the radio branch who has charge of radio service and repairs. It includes three engineers who are paid patrolman's salaries. It does not include one engineer who is carried on the fire department payroll nor three service men who are carried on the police payroll. Supervision of the engineering and technical side of the service is under the superintendent of fire and police alarm. The salary item, if the entire cost were allocated to the radio branch, would be $15,930.

When a complaint is turned in to the police department the dispatcher takes the complaint and immediately broadcasts the order to all cars. He follows up by repeating the order once more. This is broadcast to the scout cars and is then announced twice more by the radio announcer from the radio room. If it is important the radio announcer will wait about two minutes and then broadcast the order twice more. The announcer then records the order—keeping a log of all orders and movements of the scout cars. The scout cars keep in touch with the radio operator by calling him in case they have not heard a broadcast in 15 minutes. The announcer broadcasts, as required by the federal radio commission, once every 15 minutes and this serves as a test of operation in case of dull periods when there are no orders broadcast. The men also phone in immediately after having responded to a call to notify the announcer of their whereabouts. The old practice of pulling boxes is thus made unnecessary and has been discarded for radio cars.

The report of the radio branch from the time of installation on November 8, 1930, to January 31, 1931, shows that there was broadcast a total of 8,076 messages. The cars made 2,826 runs on orders broadcast, of which 164 resulted in arrests. These 164 arrest runs resulted in 225 arrests and the average time elapsing between broadcasting and making the arrest on these arrest runs was 3 minutes and 43

seconds. The time on arrest runs is being steadily cut down. It averaged 4 minutes and 37 seconds during November, 3 minutes and 33 seconds during December and 3 minutes during January.

At the present time there are at maximum strength five cars on the 7 to 3 shift, nine on the 3 to 11 shift and nine on the 11 to 7 shift. These cars perform numerous other services such as serving warrants, performing traffic duty, taking care of special assignments which takes them out of radio service.

The average number of messages for each 24 hours during January was 86.19, or one each 16 minutes and 42 seconds. As a result of the broadcasting of these orders the average number of runs was 39.22 per day or one each 36 minutes and 40 seconds. Total arrest runs averaged 2.7 per day and total arrests averaged 3.8 per day. Not many, but quite important from a police standpoint. More important since probably many of them would not have been made without the aid of radio.

RESPECTED BY CRIMINALS

Probably the ultimate realistic test of the effectiveness of broadcasting radio messages to scout cars is the respect or disrespect in which it is held by the crooks, to whom police effectiveness or ineffectiveness means everything. On February 11 at 8:04 P.M. one Mrs. Blank, who worked in a downtown department store, returned home and after driving her car in the garage noticed that the cellar window was broken. Observing that the lights in the second floor were all burning and knowing that none of the family was at home, she went to a neighbor and phoned the police that there were prowlers in the house. Immediately the broadcast was made: "Scouts 7 and 8—Prowlers are in house at 1151 Shadowlawn Drive; Scouts 7 and 8—Prowlers are in house at 1151 Shadowlawn Drive." At 8:06 four patrolmen were there, armed with sawed off shotguns. The burglars, completely surprised, offered no resistance and surrendered immediately. The next morning while they were being "mugged" in the identification bureau, one of the prisoners was curious as to how the cars had arrived so quickly since they had been in the house only a short time. He was told that Mrs. Blank turned in the alarm when she saw the lights burning and the scout cars had been dispatched by radio. Disgustedly the prisoner said—"Oh, that damned radio."

Another quick call was made on the morning of February 14 at 4:11 A.M. This call was turned in by the Western Union through a special wire to the police department. Immediately the broadcast was made: "Scout 2—Go to 510 Adams street, burglar alarm of —— Jewelry Store on there." The car was cruising only a block or so away and arrived in time to catch a novice in the art of burglary who had broken the window with a paving brick and was busily scooping up the jewelry. This call was completed in 30 seconds and in about the same time that under the old system would have been needed to get there with a speed car he was resting in a special cell at the Safety Building.

The use of radio has been a very great aid to police work in Toledo, as it has been in every city where it has been used. It gives the maximum mobility in the handling of scout cars, puts them where they are needed the most quickly of any system yet devised. It eliminates the necessity of maintaining a large number of speed cars with idle crews in the police stations. It has some value as a deterrent and

is very popular with citizens. Its uses and values are well summed up in the naïve comment of one of the denizens of Toledo's Lucas Alley, a negro section with a squalor and hopelessness all its own. After listening to police orders given over the district scout car radio, one of the colored brothers described, Andrew Brown fashion, the wide eyed, open mouthed wonder of the natives when he drawled out, "Well, ain't dat sumpin."

PUBLIC POWER AND THE PEOPLE OF NEBRASKA

BY LANE W. LANCASTER
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The pros and cons of Nebraska's new power act designed to aid municipal electric light plants. :: :: :: :: :: :: ::

THE most hopeful friend of the "power trust" can scarcely find comfort in the results of the last general election. In nearly every state where public control of electric power was, or could be made, an issue, friends of the utilities were rebuked and their enemies boosted into power by the electorate.[1] In most states such contests as occurred between the public interest and the claims of the private companies turned on the question of regulation in some form or other. For in spite of its alleged breakdown, it is probably correct to say that the greater part of the country accepts some form of regulation as the starting-point for the development of a comprehensive public policy towards the industry. Only in isolated instances is it true that the issue is between public and private ownership in this field.[2]

One of these exceptional instances is found in the state of Nebraska where public ownership of power is widespread and where public opinion seems solidly behind municipal ownership and operation. In this state the last election was significant in that it brought about the adoption of a policy which may be of considerable importance to the development of public ownership through a large section of the middle west. It seems worth while to examine the status of municipal ownership in Nebraska resulting from the adoption of what was known locally as Initiated Bill No. 324 by the voters last November.

FEATURES OF BILL APPROVED BY VOTERS

The initiated bill adopted by the people provides for three things. In the first place, it permits cities and villages owning and operating generating plants, distribution systems or transmission lines, to extend such facilities outside the boundaries of the municipality "for such distance and over such territory within this state as

[1] See an interesting editorial, Utilities and the Election, in the *New York Times* for November 7, 1930.

[2] Boulder Dam and Muscle Shoals, if finally developed strictly under public auspices, would scarcely be exceptions to this statement since even doctrinaire believers in government ownership and operation of these enterprises look upon them as valuable at present largely as potential "regulators" of private enterprise through force of example. See W. E. Mosher and others, *Electrical Utilities*, Ch. VIII.

may be deemed expedient" and to pay for such extensions only out of the net earnings or profits of such systems as may be involved. Second, in the future no sale or lease of a municipally-owned plant shall be valid unless authorized by a vote of sixty per cent of those voting on the proposition after four months' notice of the proposed sale or lease. In this same connection the law requires the filing with the state department of public works of detailed statements under oath containing data as to physical equipment, actual cost of construction and acquisition, rates charged and financial condition of the utility whose sale or lease is proposed. It is further provided that such statements shall be competent evidence in any future hearing involving a valuation of the plant for rate-making purposes. Lastly, the law limits the amount of money which may be spent by private persons or corporations to influence such a sale to one dollar per vote, based upon the total vote cast for governor at the last election.

The full significance of these provisions cannot be grasped without dealing with the conditions in the state which called them forth. The quarrel with the private companies which culminated in the act turned not only on the doctrine of public ownership but also upon the demand of the rural population of the state for cheap power. Nebraska is almost a purely rural state. It has within its boundaries no coal, only negligible amounts of other minerals and scarcely any marketable timber. Manufacturing has had but a meagre development, large cities are few, and the chief wealth of the people is in the soil.[3]

[3] Such water power as might be developed could not, in the opinion of engineers, meet more than eight or ten per cent of the present demand for power.

Though its area is fifteen times that of Connecticut, the latter state has a population more than twenty per cent greater. Somewhat less than one-third of the population lives in cities or towns of over 2500 population; nearly one-half live in the open country and about one-fifth live in villages of less than 2500 population. The vast majority of the people live in the eastern third of the state and in the western part even villages are separated by vast distances. Under these circumstances private enterprise could scarcely be expected to enter the field without a guarantee of extremely high rates. As a matter of fact municipal ownership is now established in one form or other in more than one-third of the incorporated cities and villages in the state. Of the approximately 535 municipalities 199 now own their own electrical utilities. Of this number 65 now own and operate both generating plants and distributing systems; the others own their distributing systems and transmission lines and buy current either from private power companies or other municipalities.[4] Most of these plants are owned by towns of less than a thousand population and the total power generated by them is only twelve per cent of the total in the state.

PROFITS OF MUNICIPAL PLANTS

But the importance of the municipally-owned plants is not to be measured by such standards. In many cases they turn into the town or village treasury a handsome "profit" which is used for general municipal improvements.[5] It is also true that in many towns the local power plant is a focal point of community interest and pride,

[4] These figures are as of November 10, 1930. Only one town operates a hydro plant.

[5] In some instances it is probably true that these "profits" would disappear if sound accounting procedure were followed.

in this respect realizing some of the "beneficent social repercussions" of which George Bernard Shaw once spoke.

Most important of all, however, is the fact that a publicly-owned plant is a concrete argument for public ownership as a dogma. The people of the state, by and large, are convinced at present that the safest policy is that of keeping local plants in their own hands. The old Populist feeling which three times sent the "boy orator of the Platte" to fight the battles of the "plain people" has by no means died out. That it is still a potent force is evidenced not only in the ramshackle structure of the state government but in the popularity of the current battle against the "interests." Nebraska's representatives in the United States senate are both champions of public ownership and avowed enemies of the "power trust" and, in the case of Senator Norris at least, an admiring electorate returns him to office in spite of a shameless "irregularity" and a cavalier aloofness from his titular party connection.[6]

RURAL ELECTRIFICATION AN ISSUE

During the past fifteen years one of the most important issues in local politics has been rural electrification. Private companies could meet this need for extensions only by making large outlays which could be paid for only by heavy initial expenditures by customers and the payment of high rates.[7] Had the law permitted it, publicly-owned plants might have served this class of consumers, in part at least, by extending their lines into the surrounding neighborhood. This solution of the problem made a powerful appeal in many quarters in view of the popular conviction as to the merits of public ownership and the deep-seated distrust of farmers and villagers for the "interests." But under the law, cities and villages were forbidden to extend their lines beyond their boundaries.[8] There was no such limitation upon the freedom of the private companies. Their chief problem was to secure customers at necessarily high rates. In these circumstances it is not surprising to find that innumerable episodes in municipal history during the past few years have arisen out of the attempts of private companies to secure a strategic advantage over the municipal plants. These struggles were marked by many campaigns to buy public plants, by minor rate wars, and by taxpayers' suits to hamper expansion by municipal plants.

EFFORTS TO ELIMINATE PUBLIC PLANTS

The local newspapers for several years past report many instances of flattering offers made by the power companies for local plants. In some cases sums were offered several times in excess of the actual value of the investment in the plant and bonuses were by no means unknown. For example, in one case a town received $40,000 and a fire truck worth $4,000 for a distribution system worth $16,000; another town $3,500 and an electrolier system for a plant worth $8,500; a third $110,000 for a system worth $35,000.[9]

[6] Senator Howell's reputation in the state rests largely upon his work as chief engineer and general manager of the Metropolitan Utilities District of Omaha in the creation and development of which he took the leading part twenty-five years ago.

[7] During the past five years private companies have spent more than a million dollars in building rural transmission lines which are now serving in the neighborhood of 3500 customers. Of some fifteen hundred place names in the state 567 were, in November 1930, receiving service.

[8] Sec. 4128, Comp. Stats. Neb., 1922.

[9] See editorial from *Hastings Tribune* for February 28, 1930 reprinted in the *Nebraska Municipal Review* for March 1930.

While such sales were not always consummated it remains true that there has been a definite reduction within the past few years in the number of publicly-owned plants. It has not always been easy for the local council and electorate to refuse offers which left the community free of debt and in possession of handsome improvements paid for out of the proceeds of such a sale. The sale price undoubtedly becomes a part of the rate base but this fact does not seem often to have figured in the calculations of the local authorities.[10]

In a few instances the private companies tried to put the municipal plants out of business by cutting rates below the cost of service. This was stopped by the Supreme Court of the state in 1929 in a decision which sustained as to electricity a statute making illegal commodity price-cutting as between districts.[11]

In other places resourceful companies tried by taxpayers' suits to enjoin publicly-owned plants from paying for needed improvements by a pledge of their future earnings. This is a favorite mode of financing in small places since it avoids the laying of additional taxes or the creation of a bonded debt neither of which means is popular with the voters. This mode of paying for improvements was approved by the Supreme Court in an opinion which held that cities and villages were not restricted to taxation or borrowing in such cases. However, the effect of this judgment would seem to be less extensive than it seems at first glance. In the opinion of lawyers it simply held that the power to own and operate a power plant carries with it by implication the power to keep such plant in working order by pledging earnings for *replacements* but it does not confer power to *add to* the plant by such a mode of financing.[12]

Besides these specific examples of the tactics of the private power in extending their influence in competition with municipal plants they were engaged in the familiar propaganda, both open and covert, with which recent investigations have made us familiar.[13] Local "fights" were entered into through the instrumentality of taxpayers' leagues, farmers were appealed to for support against public ownership on the ground that state taxes would be increased if the number of untaxed municipal plants increased, and the usual "campaign of education" was carried on through various channels.

FARMER HOSTILE TO "POWER TRUST"

So far as the farmer was concerned, the net effect of these excursions and alarms was to leave him incensed against the "power trust," but without the cheap light and power which he considered his due. It occurred to the rural inhabitants that a special public corporation might be the solution of their difficulties. One such corporation was organized in 1923 under a statute allowing the formation of rural electric districts[14] but after a few

[10] Rates are at present set by contract between the municipality and the private company. The railway commission has no rate-making powers over electrical utilities and attempts to confer such powers have uniformly failed. Generally speaking, there is no public belief in commission regulation and the commission itself in recent years has not enjoyed wide public confidence.

[11] Secs. 3432–3436, Comp. Stats. Neb., 1922; State ex rel Spillman v. Interstate Power Co. et al, 226 N.W. 427 (1929).

[12] Carr v. Fenstermacher, 228 N.W. 114 (1929).

[13] See Part 11 of the Federal Trade Commission's investigation of Utility Corporations, 1929, in response to Senate Resolution No. 83, 70th Congress, First session, Document No. 92, where the Nebraska situation is specifically dealt with.

[14] Secs. 7147–7154, Comp. Stats. Neb., 1922, Ch. 169, S. L. 1923.

months of operation was declared void by the Supreme Court on the ground that the manner of its creation violated the implied constitutional prohibition against the delegation of legislative power.[15] Curative statutes enacted in 1925 and 1927 were likewise outlawed by the court.[16]

At this point it is necessary to discuss the work of the League of Nebraska Municipalities in furthering the program of municipal ownership embodied in the initiated measure of 1930. When the annual convention of the League met in 1928 the state of the law was such as to make it difficult, if not impossible, for municipalities to compete with private companies in serving rural districts. Except for necessary replacements of plant it was probably illegal to make extensions by the pledge of earnings; special corporations outside the limits of cities and villages had been outlawed by the courts; and the potential feeders for municipal systems were being bought up by private interests.

The League of Municipalities has been in existence for more than twenty years and has in recent years shown a slow but steady growth. The personnel has favored public ownership as a matter of principle or at any rate has believed firmly in the virtue of public competition as a regulating device. League members feared that the expansion of the properties in the hands of private interests would gradually squeeze out municipal plants and end in the domination of the field by the private companies. The only remedy seemed to be to remove by law the disabilities under which municipal plants labored and make their expansion possible under easier terms. To this end the League's Legislative Committee prepared a series of bills for the 1929 legislature providing for the extension of local distributing systems beyond the municipal boundaries, financing such extensions out of earnings, making it possible to sell public plants only after popular approval, and providing for the organization of electric utility districts in the open country.[17]

RESORT TO THE INITIATIVE

Though this program had behind it the League of Municipalities, the League of Women Voters and various organizations representing labor and the farmers (to say nothing of certain manufacturers of Diesel engines) it failed of passage in the lower house, only one bill being passed and that in such a form as to be unacceptable to the League membership. The proponents of the measures decided to invoke the initiative. To that end an organization, known as the Peoples' Light and Power Association, was formed under the auspices of the League of Municipalities. A carefully drawn bill prepared by the attorney-general who acted as chairman of the Light and Power Association was placed on the ballot by petition of some fifty-five thousand voters. Competing bills, prepared presumably by the private companies, and in one case almost duplicating the language of the first bill, but adding a "joker," were

[15] Elliott v. Wille, 200 N. W. 347 (1924).

[16] Ch. 89, S. L. 1925; Ch. 106, S. L. 1927; Swanson v. Dolezal, 208 N. W. 639 (1926); Anderson v. Lehmkuhl, 229 N. W. 773 (1930); see also note in the *Nebraska Law Bulletin* for November 1930. The decision in Anderson v. Lehmkuhl invalidated a $30,000 bond issue sold by the district. This decision, by denying to the state legislature the power to cure defects in the original statute under which the district was organized, seems directly against the weight of authority. See Browning v. Hooper, 269 U. S. 396 (1926).

[17] A summary of these bills is printed in the *Nebraska Municipal Review* for October 1928.

also on the ballot but were badly defeated at the election.

SIGNIFICANCE OF NEW LAW

It is difficult to estimate the importance of the new law. That it is a public ownership measure pure and simple is evident on its face. This is demonstrated by a reading of the provisions regarding the sale of plants to private companies and the restrictions placed upon the use of money to influence such sales. The requirement that four months' notice of such sale be given makes it certain that the friends of public ownership will have plenty of time to perfect their campaign and, in the present state of public opinion, it is difficult to see how they could fail to carry their point. Without entering into any discussion of the merits of public ownership it seems to the writer that the almost absolute imposition of this policy upon those cities and villages now owning their plants may have unfortunate effects in many cases. Most of these communities are quite small and find continued operation possible only at high rates.[18] It is difficult to see how, in view of the sparse population in many parts of the state, the extension of lines into the country could so increase the number of customers as to permit lower rates and more economical management.

[18] There is obviously no space here for a statement of the rather complicated calculations needed to prove this point but the complete schedule of rates before me shows in almost all cases of towns under 1000 population extremely high rates in comparison with those in the larger cities. For example, Alexandria, with a population of 432, charges a minimum of $1.25, allows no discount for prompt payment and makes the following charges for current used: for the first 20 k.w.h. 15 cents, for the next 40 k.w.h. 13 cents, for all beyond 60 k.w.h. 9 cents. This is typical. In a good many cases there are higher minimum charges and considerably higher rates for current consumed.

Though in many cases the ownership of a power plant is the object of much civic enthusiasm this community asset may, as time goes on, be purchased at a high price. On the other hand, the new law will permit the expansion of several plants in the large towns of the state and there is a possibility that by interconnections between municipal plants and transmission lines owned by utility districts considerable areas in the more thickly populated parts of the state may in the future be served by publicly-owned systems. The generating plants in these towns are at present well-managed and there is no reason for doubting that, with reasonably careful planning, their future expansion will be successfully carried out.

Assuming only a very moderate use of the powers conferred by the new law a considerable extension of public ownership in the state seems assured. Accepting this as a possibility certain suggestions may be made as to future public policy. In order that a sound judgment may be made as to the relative success of public and private operation it would seem advisable to give to the railway commission power to prescribe uniform accounting procedure for municipal systems and to require periodic reports from cities and villages operating plants. It would also not be out of place to require that local agreements between municipalities and private companies be made matters of public record with either the railway commission or some other appropriate central authority.

In general, it must be said that the people of the state have approached the problem of the relations between government and business with too little authentic information and with far too much of the lyrical prejudice and hatred of the dour nineties. If the question of power is to be viewed, as it should be, as one of sound adminis-

tration and not one of political sharpshooting, a basis for judgment should be laid in the accumulation of facts. In securing such a basis the state government has been woefully remiss. Only by its active interest in finding what really goes on in both private and public business can the question of power be rescued from the present atmosphere of dogma and prejudice.

MUNICIPAL AID FOR THE UNEMPLOYED

BY WALTER C. HURLBURT
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Frequency of economic depressions and the economy of decentralized administration dictate that municipalities create permanent organizations for the extension of aid to the unemployed. :: :: ::

Economic depression is a chronic ailment of industrial society. Since 1870, for example, more than twenty years of depression have accompanied the rapid industrial and commercial expansion of the United States.[1] Despite this fact, the average municipality remains unprepared for the task of alleviating the human suffering which inevitably arises from such maladjustments.

The reasons are not difficult to fathom. First, we possess the unhappy faculty of forgetting an economic unpleasantness almost as soon as it ceases to exist. For example, the depression of 1920–1921 gave birth to numerous plans for placing municipal aid for the unemployed on a permanent basis, but with the trade revival of 1922 public interest immediately turned elsewhere. Secondly, we are afflicted with the vicious habit of shifting social responsibility to other groups or organizations. Needless to say, the plight of the unemployed is intensified when municipalities await state and federal aid while state and federal authorities stand by awaiting municipal action.

[1] See *Business Annals*, National Bureau of Economic Research, New York City.

CINCINNATI PLAN COPIED TOO LATE

Regardless of the position state and federal authorities choose to take, the municipality is not in a position to waive the responsibility of aiding the unemployed. Statistics of unemployment for the nation at large may not arouse a community, but suffering which occurs close at hand and which must be observed eventually results in action. Thus, late in 1930, after the unemployment situation had become acute, a number of municipalities attempted to put a modification of the "Cincinnati Plan" for unemployment relief into immediate effect. The "Cincinnati Plan," in brief, attempts to coördinate the activities of the various groups engaged in unemployment relief work, obtain adequate and reliable statistics of unemployment, secure continuous employment through coöperation with employers and create as many temporary jobs as possible.[2] Adopted in the

[2] For a detailed description of the "Cincinnati Plan" in action, see "How Cincinnati Met the Unemployment Crisis" by C. O. Sherrill and F. K. Hoehler, National Municipal Review, May, 1930. For a critical evaluation of results, see "An Appraisal of Cincinnati's Efforts to

early months of 1929, the "Cincinnati Plan" has been attended with a considerable degree of success in Cincinnati. There is, however, considerable doubt as to the effectiveness with which the plan is functioning in municipalities which hastily adopted it nearly eighteen months later.

New York City, for example, made a gallant attempt to put the essentials of the "Cincinnati Plan" into immediate operation. The police force undertook a census of the unemployed; the Central Committee attempted to coördinate the activities of the various relief agencies, and praiseworthy efforts have been made to create temporary jobs. Yet a certain degree of friction has hampered the efforts. The Mayor's Committee for Unemployment Relief has not seen fit to coöperate with the Central Committee, and a degree of duplication of effort has resulted. At times the organization for the distribution of food and clothing to the destitute has all but broken down, and at times a lack of planning has led to conspicuous waste. For example, statistics of recent date indicate a faulty allocation of relief funds between "breadliners" and single women and families. Provision for single women and families has been inadequate, whereas a portion of the funds devoted to breadlines has been wasted.

The "Cincinnati Plan" must register, of necessity, a partial failure in municipalities which adopted it at the last hour. For the essence of the plan involves careful planning *in advance* of economic depression.

PERMANENT ORGANIZATION NEEDED

The present situation is typical of the past. Fly-by-night municipal organizations for the relief of the unemployed have always been formed at the bottom of each wave of depression, only to be disbanded with the first signs of renewed prosperity. Such sporadic efforts, although relieving much human suffering, cannot be viewed as preventative checks. The problem of unemployment relief cannot be solved until permanent organization is achieved.

At the present time, the need for the foundation of municipal unemployment organizations, designed to function continuously, is even greater than formerly. If the past is a guide, prosperity will return but depression will follow. For despite patient research and a substantial accumulation of statistics, our knowledge of the ultimate causes of the cyclical fluctuations of business activity is pitifully meager. Consequently, the possibility for immediate control of the purely cyclical swings of business activity is slight. In addition, seasonal fluctuations of business activity are always present. The causes here are obvious, but a workable remedy for the situation is not at hand.

During recent years, cyclical and seasonal unemployment has been accompanied by widespread technological unemployment. The rapid introduction of new and more efficient machinery, changes in industrial processes, the growth of scientific management, and other dynamic changes have all conspired to create a permanent surplus of workers over jobs. Many competent observers are of the opinion that the aggregate amount of unemployment due to technological causes is due to increase steadily during the present decade.

An ultimate solution of the problems raised by the various types of unemployment will require coöperation and effort on the part of business and labor

Meet Unemployment" by C. A. Dykstra and F. K. Hoehler, NATIONAL MUNICIPAL REVIEW, November, 1930.

leaders, and, in addition, certain broad changes in social policy. But whatever changes in industrial organization and social policy are ultimately made, no one can question the need for the immediate creation of permanent municipal machinery for the application of unemployment relief.

DECENTRALIZATION NECESSARY

It is evident that the municipality holds the key position in any plan which aims effectively to combat unemployment evils. Business conditions, the character of the unemployment, and the type of aid required vary from locality to locality. Since conditions vary, close association is essential to obtaining the intimate knowledge requisite to handling a specific unemployment situation with success.

In theory, of course, federal or state agencies for unemployment relief can be set up within each of the larger municipalities. Such a step, however, would be exceedingly costly and cumbersome. The direction of unemployment relief agencies from Washington, or even state capitals, would result in red tape, a constant shifting of personnel, loss of efficiency, rising costs, and a multitude of other evils arising from over-centralization. With the exception of building programs, state and federal agencies for unemployment relief can best be designed to act as clearing houses for municipal organizations.

The alternative to the costly and cumbersome centralized mode of administering unemployment aid is that every thickly populated municipality provide itself with its own unemployment organization. Then, in times of emergency, federal or state aid can, if needed and available, be applied quickly through local agencies. The majority of the proposals for the extension of federal aid which have been advanced during the present crisis can be condemned out of hand. There exist today no channels through which federal aid can flow in times of economic stress.[3]

ORGANIZATION ESSENTIAL TO SUCCESS

A municipality's size, the character of its population, the nature of its industries, and numerous other factors must dictate the type of unemployment organization needed. But whether the municipality be large or small, industrial or non-industrial, organization is essential to success. If suffering is to be minimized during the next economic depression, it is imperative that thickly populated municipalities take the following steps:

(1) *The creation of a municipal employment exchange.*[4] Keeping in touch with local employers throughout prosperity and depression, a municipal employment exchange would be in a position to give full publicity to its findings. State exchanges might function as clearing houses for municipal exchanges, and the proposed national exchanges as clearing houses for state exchanges. A well-integrated system of employment exchanges might well be evolved.

In the past, relatively few municipalities have shouldered the respon-

[3] Private organizations excepted. But the facilities provided by the Red Cross, Salvation Army and similar organizations are inadequate, and, in the main, suitable for extending direct aid only. Municipalities, on the other hand, are in a position to institute "make work" programs, thus avoiding the "dole issue."

[4] Since state labor exchanges exist in approximately 185 municipalities of the United States, the need for municipal exchanges in these centers may not seem obvious. However, the Ohio system of city-state exchanges appears to be more efficient than state exchanges as such, indicating that municipal coöperation is to be desired.

sibility of providing jobs for their unemployed. As a result, the states have undertaken the work—often with indifferent success.[5] However, the success of the Seattle municipal exchange affords ample precedent for municipalities having the will to experiment in new fields. In 1917, the Seattle office filled 75,593 positions at a per capita cost of ten cents, and in 1919, 55,305 positions at a per capita cost of nineteen cents.

(2) *The creation of an unemployment relief bureau.* This bureau, a permanent body as in Cincinnati, would attempt to coördinate the activities of all existing relief agencies and provide an outlet through which aid from all sources might flow. During periods of prosperity the bureau might be reduced to a skeleton form, capable of attaining full strength at the approach of depression.

(3) *The creation of a bureau of unemployment statistics.* This bureau, composed of adequately paid specialists, would collect, interpret, and record statistical data bearing on unemployment, municipal building programs, existing facilities for caring for the unemployed and allied matters. Close contact could be maintained with the more accredited statistical organizations which attempt to forecast the economic future in order that forecasts be supplied to municipal authorities and to all existing unemployment agencies.

THE PROBLEM OF COSTS

Objections are frequently raised against the extension of municipal activities to the realm of unemployment relief work. It is said that costs are heavy and should be borne by the state and federal governments. While it is true that the costs incident to unemployment relief during a period of depression are heavy, it can be said in reply that far heavier costs will be entailed if industrial society fails to meet the challenge of the unemployed.

The statement that the cost of unemployment relief is the rightful burden of the state and federal governments is worthy of consideration. It is obvious that the municipality should not be asked to shoulder the entire burden of unemployment relief during economic depression. The funds which municipalities disburse are derived, in the main, from a property tax which bears heavily on the low income groups of the community. On the other hand, state and federal governments, by the taxation of unearned increments and luxury goods, are in a position to confine a levy almost exclusively to those with a high ability to pay. Thus, from the fiscal point of view, state and federal governments ought to absorb a considerable portion of the cost of unemployment relief during economic depression.

During periods of prosperity, the cost of organizing for unemployment relief will not burden the larger municipalities unduly. Municipal labor exchanges can be made self-supporting, while the experience of Cincinnati indicates that non-pecuniary incentives are strong enough to ensure the services of capable men for the task of coördinating relief work. A statistical bureau can be maintained by a relatively small expenditure.

The economic gains arising from the creation of permanent municipal unemployment organizations cannot fail to exceed the costs involved. For the municipality, through the economies in

[5] Commons and Andrews in "Principles of Labor Legislation" attempt to account for the failure of state employment exchanges on the grounds of mediocre management and inadequate appropriations.

administration which it alone is in a position to achieve, can substantially reduce the net cost of that minimum of assistance, which must be extended to the unemployed in times of economic stress.

FOUR YEARS OF SOCIALISM IN READING, PENNSYLVANIA

BY HENRY G. HODGES, PH.D.
Reading, Pennsylvania

The Socialist party has had complete control of the municipal government of Reading, Pennsylvania, since 1928. In a careful analysis of their administration Dr. Hodges finds city officials of all parties are pretty much alike. :: :: :: :: :: :: :: ::

THE Reading Socialists, shall we call them, "came into power" with the inauguration of three of the five commissioners, in January, 1928. The city has a commission form of government, with five commissioners, one of whom is elected mayor. Their term is four years. The commission was made *continuous* in the beginning by having three of its members elected for four years and two for two years. In November, 1929, Socialists were elected to the other two positions on the commission. At the same time the Socialists captured four of the nine positions on the school board.

What were the conditions inside and outside the party that made the victory possible in the fall of 1927? Why was it repeated in 1929? And what shall we prophesy for the fall of 1931, when the original three return to the voters to receive their reward?

Reading has over 31,000 properties on the assessment list, and must surely have 45,000 to 50,000 eligible voters. In 1924, which was a presidential year, the total registration was about 28,000. In each of the two succeeding years the registration dropped to 20,000, and we were not due for another rise until 1928. However, in 1927 the registered vote jumped to 27,314. There is only one conclusion to draw. Seven thousand voters were aroused ahead of time, and it is fair to conclude that those same things which aroused the 7,000 prematurely, influenced a large number of regular voters to change their voting allegiance.

The Socialist vote has been, for a number of years, many times the Socialist registration. The answer used to be that Socialists were registering in the old parties to help nominate the weak candidates, since there never were any decisions to be made at their own primaries. Recent events, however, would indicate that there never has been much to this contention. In 1927, for instance, the Republican election vote was double the primary vote. The Socialist figures show an even greater apathy at the primaries, for there is never a contest there. In 1927 the Socialist registration was 1,238, but only 374 of these voted at the primaries of that year.

DEMOCRATS AND REPUBLICANS GO SOCIALIST

The story that the figures tell in unmistakable clarity is that in 1927, thousands of registered Democrats and

Republicans voted for the Socialist candidates. That year, with a Socialist registration of 1,238, their candidate for mayor received 12,365 votes at the election. The Republicans registered 12,784 and their candidate for mayor received 10,957 votes. The Democrats registered 12,221, but only 5,256 voted for their own mayoralty candidate. If we may draw conclusions from these figures, they must be that the Independents and the Democrats elected the Socialists, with the help of about 2,000 Republican votes and only 1,238 registered Socialist votes.

Why did so many Democrats revolt? Probably because their officeholders had control of the city commission at the time, and the discontent was aimed chiefly at the party in control.

The assertion that no one was more surprised than the Socialists themselves at the victory of 1927, has never been controverted by their leaders. Their chief organ, *The Labor Advocate*, had predicted victory, but it had done the same before. That's politics.

At a symposium on Socialism in New York several weeks ago, Clarence Darrow said, "We have more Socialists now because we have more empty bellies." That may be true where Socialists are not in political power, but the direct opposite may be true here in Reading. Certainly we had very few empty bellies in the fall of 1927. I would venture the assertion that we had more Socialist voters in Reading, under favorable conditions of nourishment in 1927 than we have right now in this empty-bellied era. But this is merely an important exception to Darrow's observation. The remark at that meeting that comes into play in our case is that of Arthur G. Hayes, who gave as the reason for lack of progress in the Socialist Party its failure to obtain the support of labor. No doubt the idea expressed in his conclusion helps explain the victory in Reading, where organized labor is Socialistic.

LABOR AND SOCIALISM IN ALLIANCE

It is a question whether the Socialists obtained the support of labor, or whether organized labor wanted to enter the political arena and saved time by adopting the local Socialist party. The facts closely resemble the story of the hen and the egg, and by the same token that it is impossible to tell which adopted which, it is easy to conclude that the two groups are one, locally. *The Labor Advocate* is *the* Socialist weekly newspaper. This same paper, a number of years back, was used for a time as a propaganda sheet for one wing of the local Democratic Party. The Socialist Party meets at the Labor Lyceum. When the Lyceum welcomes the party and the party adopts the labor paper, which is the dominating factor? Probably the leaders in the Socialist party—those now on the public payroll—would save their last shout for labor rather than for socialism, if they had to choose. James Maurer, a member of the commission, was for years leader of the state organization of labor. His own confession is that he "has given his life for labor." Our mayor, according to a headline of *The Labor Advocate* (October 2, 1928) has been "Pinched for Picketing." Mayor Stump was also, prior to his election, business manager of this paper, and president of the local Federated Trades Council. Commissioner Jesse George was for years walking delegate of the local plumbers union. All appeals to Socialists are made at the same time to labor.

Yet in spite of this alliance in which the two wings plead each other's causes, Mayor Stump, the now recognized leader of the socialists in Reading,

offers no suggestion in the questionnaire which *The Nation* recently sent to mayors of American cities on unemployment. The mayor reported the local situation as he found it, but risked no opinions for betterment.

THE "WHY" OF THE DRIFT TO THE SOCIALISTS

Now for the *why* of those 7,000 disgusted Democrats, 2,000 deserting Republicans, and the 2,000 Socialist-Independents, who added their 11,000 votes to the "Socialists Own" 1,200 votes, to make that Socialist total of 12,365 given to Mayor Stump in 1927.

We have two dailies of general circulation. Neither is a party paper. One has no editorials; while the other has constituted itself, in no uncertain way, the watchdog of everyone holding public office. However, since this is a discourse on Reading Socialists we turn to their weekly paper—*The Labor Advocate*—for news of what was wrong in Reading prior to November 1927. This paper does not have a large circulation, but is read more widely than its circulation would indicate. In addition, summaries of its propaganda were printed in pamphlet form from time to time and broadcast by door-to-door distribution. The editor told me frankly that the *Advocate* was not a newspaper, but a propaganda medium—and he was quite right.

During the three years (1925–1928) there are scores of subjects criticized adversely by *The Labor Advocate*. But it is easy to pick out those that are constantly recurring, as well as to classify the order of their recognized importance. These are the things the Socialists preached about:

1. Real estate assessments
2. Bond issues
3. The old parties
4. Contractor street cleaning
5. The Maidencreek reservoir
6. Increase in commissioners' salaries

The first two attracted 90 per cent of the Socialists' attention, and the real estate assessments demanded by far the lion's share of that 90 per cent. The question of assessments was discussed everywhere by everyone. If the city had had a parliamentary form of government, the administration would have fallen in the latter part of 1925. Assessments have become a fetish in the popular mind, and a brief historical survey would seem to suggest that anything like general satisfaction is impossible.

THE ASSESSMENT CONTROVERSY

Prior to 1924 there was general public discussion of a 100 per cent assessment and a tax rate sufficient to balance the budget. The accepted percentage had been 60 per cent of the market value. The Democrats went into control in January, 1924, and one of the things the administration determined on was not only *another* assessment, but a *different* assessment. The name of the new assessor was Duval and his handiwork, brought out in the fall of 1925, was known as the First Duval Assessment. A veritable storm of protest swept over the city. When the commission sat as the board of revision and appeal the room would not hold a fraction of the complainants who attended the first meeting. The appeal board listened to a few complaints and within half an hour voted to throw out the entire new assessment. The action happened so quickly that to this day no one seems to know what was wrong, or why. One thing was clear enough—the assessment was extremely unpopular. Whether it was too high, too low, or unequal, could not be learned from those interested at the time.

With this ominous revelation of unpopularity, Duval made his second assessment in 1926. This also seemed to be a target for general attack, chiefly on the theory that it was impossible for Duval to make an acceptable assessment. There were 4,800 appeals on the 31,500 properties assessed. It was complained that the figures were too high and not balanced. The appeal settlements were made by the board and the courts during the early part of 1927. The fight continued throughout the year.

Soon after the Socialists came into power early in 1928, they promised a "scientific assessment." Deploring the $15,000 wasted on the First Duval Assessment, they contracted with the Manufacturers' Appraisal Company to assist the new Socialist city assessor, at a cost of $75,000. The Somers Plan was used and unit land values fixed after numerous public meetings. Things certainly looked rosy. The real estate men, "who always want high realty values" stayed out of the picture, and the "common people" came in. The result was relatively higher values on all central real estate and lower appraisements on the small homes away from the center of the city. The Socialists were representing the "working man" with a vengeance, but it was scientific and done by an outside concern. There were 1,663 appeals to the Socialist commission sitting as a board of appeals, and 112 appeals to the court. Practically all of the court appeals were on central property, and after one of the cases had a good start on trial the others were adjusted down by the Socialist assessor. The adjustments, together with those of the appeal board, resulted in an assessment which everyone agreed was about the same as the Second Duval Assessment, except that it had cost $75,000. In addition no one was satisfied—not even the commission.

ASSESSMENTS FAIL TO DROP

When the 1930 assessment was started by the Socialist fathers, everyone looked for reduced figures commensurate with fallen property values. But the new assessment figures were practically the same. Another army of protestants was halted on the first day by the announcement that whereas the former basis of assessment had been 60 per cent of the market value, the 1930 basis was 100 per cent. In other words the commission admitted and declared that all real estate in the city had depreciated 40 per cent. Appeals were withdrawn in large numbers as there was no answer to this hastily and cleverly constructed "way out" by the Socialists. No one was ready to ask for a lower assessment by asserting that his depreciation was greater than 40 per cent.

However, a considerable number of appeals are before the court at the present time—the argument being that the assessments are not 100 per cent as the commission contends, and furthermore that there are numerous inequalities. The city's own witnesses could not testify to 100 per cent valuations and after several days spent on one case the court ordered an adjournment and suggested that the city make adjustments. This the city has refused to do and the cases will continue in court. The end is not in sight, but the public feels that those who appealed to the courts will get relief, and draws the conclusion that those who did not appeal are being discriminated against.

"BONDS MEAN BONDAGE"

"Bonds Mean Bondage." Over and over again the *Advocate* told it to the dear people. In September, 1925: "To-

day the old gangs are planning another city bond issue which will more than double the cost of contemplated improvements." The reference is to the interest charges on bonds. The same month: "Here in Reading the old political gangs don't believe in doing anything without paying tribute to the bankers."

It was pointed out on numerous occasions that the interest on long term issues equaled the principal, doubling the cost of the improvement. And the promise was repeatedly made that Socialists in the city government would prevent this robbery of the public chest and "pay as you go."

The answer is short and easy. The city of Reading, after three years of Socialist control owes more than it ever did. About half of the city's bonded indebtedness was incurred by the present administration. The total of bonds floated by the Socialists is $2,700,000, and the total bonded debt is $5,569,000. Whereas, the *Advocate* formerly pointed out that the bonus offered for the city's bonds proved the graft for the bankers, they now point with pride to that same bonus declaring that it proves the confidence of the bankers in Socialistic government.

THE OLD PARTIES

The old régimes offered a ripe field for the Socialists in their campaign speeches and pamphlets. "Our opponents have furnished us with the arguments against them. All that will be necessary is for us to refresh the memories of the voters and they will agree to the changes necessary." The Republican party had for years been under the domination of the county chairman. His methods multiplied his enemies over a period of years, and his political mistakes were used as capital by the Socialists, in addition to the errors, or anything that seemed like errors, of those Republicans elected to the city offices.

At the time the Socialists made their first successful drive, the Democrats were in the majority on the city commission. But the Democrats had also established a virtual hierarchy in the county offices, and those offices were located in Reading, the county seat. Deserving Democrats, with nothing to recommend them except that they needed the jobs, were shifted from one office to another as the different elections rolled around. While the Republicans had a one man rule to whom all paid tribute in some form, and who held a state job, in addition, as a reward for his political valor, the committee which controlled the destinies of the Democrats, controlled them for their own purposes exclusively. They decided among themselves from year to year which of their number should serve the public and in what capacity. The one was as bad as the other, and the results of the election proved that the public was disgusted with both.

CONTRACTOR STREET CLEANING

A certain contractor who was also a member of the legislature had secured from year to year the job of cleaning the streets and the catch basins. Of course there was competitive bidding for the job, but the man on the ground with his equipment already paid for, had a decided advantage over newcomers. And sometimes there was little competition. From time immemorial a good case could be worked up against any contractor doing city work who also held a public office. And this one was no exception.

THE MAIDENCREEK RESERVOIR

A large impounding water reservoir was started during the prior Demo-

cratic administration. This project was supposed to protect the city's water supply and needs for the next twenty-five or fifty years. Some claimed there was need for it; and some denied those claims most emphatically. The operation involved the purchase of large tracts of land to be flooded by the new dam. The Socialists through their paper, and otherwise, were most bitter in their denunciation of the new undertaking, claiming that it was not needed at the time, and furnished only one more opportunity for saddling the city with debt. A bond issue to provide for some of the land purchases was turned down, and the commission found a way out by borrowing on the city's legal capacity, without the consent of the people. The project was pushed almost to completion by the time the Socialists came into office. The commissioner of the water bureau had direct charge of the work, and he was singled out by the Socialists as the moving cause for the Big Ditch, to which they prefixed his name in derision. This idea no doubt served a purpose in lining up a number of votes for the 1927 campaign. However, during the summer of 1928 the huge project was finished and dedicated by the new Socialist administration with the waving of flags and speeches by their leaders. The new Socialist commissioner in his speech went so far as to explain that if he had misgivings about the wonderful reservoir in the past he was ready to admit his error, and hoped all would join in the appreciation of this new thing the city was adding to its list of achievements that day. When the dry days of 1930 required other cities to issue warnings about waste of the water supply, the spokesman for the party, who is also a member of the commission, shouted from the house-tops that citizens should use all the water they cared to and plenty would remain, thanks to the enormous impounding reservoir which the Socialists had—dedicated.

COMMISSIONERS RAISE THEIR OWN SALARIES

Sometime in 1925 the commission voted to increase all salaries of future commissioners. Under the law the increase could not benefit any of those serving at the time. The subject was susceptible to innuendo, which was taken advantage of to the limit. As it happened one of the commissioners was reëlected and he, of course, benefited by the increase which he had voted. There has been no move by the Socialists since 1927 to put back the salaries to their old levels.

LITTLE ATTENTION TO SOCIALISM'S ECONOMIC PROGRAM

It is not a secret that the Socialist Party is operated and controlled by its caucus which consists of the paid party members, of whom, I am told by the editor of the *Advocate*, there have never been so many as one hundred. Of this entire group not more than twenty-five determine party affairs, and it is probably safe to say that five or six of these really control. What did this group, as spokesmen for their party, promise before 1927? We must admit that their promises were not predicated on any realization of their approaching success. The economic program of Socialism cannot be carried out to any great extent in a single city, and this fact is constantly called to the fore when a quick and satisfying defence is needed on major questions. Public ownership of the utilities should be one of their chief aims. In some "Reflections" by the editor, in 1925, it was promised that the police powers would be used for the protection of the workers on strike; sane assessments

would lessen the burden of the workers and require business firms and corporations to pay a larger share of the public expenses; municipal coal and wood yards and market houses would be provided; and traffic laws administered without favor.

From my office located on a busy corner there is almost daily evidence that this last and least important promise has little foundation in actual administration. We have not heard, in three years, of any coal or wood yards, or market houses, being contemplated, much less accomplished. The "sane assessment" we have already discussed. There have been strikes here since 1928, but there was not the slightest attempt to use the local police for the advantage of the workers, or for any other purpose. The strike matters were handled, as in the past, by the state police and the sheriff. Although the cry of "Cossacks" came from the strikers, and there was considerable agitation in labor circles against the sheriff's proclamation concerning limited picketing, there was never a public utterance from City Hall for or against any phase of the strike. The last one was settled without the workers obtaining their object, and the members of the commission never took any part openly in the matter, and I have never heard of their activity in any other manner.

Public ownership of our utilities would be out of the question if the commissioners were to stand by their preëlection "pay as you go" platform. But even with their thorough post-election conversion to the bond method of payment, it would be problematical, considering the amounts involved. And our present Socialist commissioners are not radicals. Whatever they were before they were elected, they are not that now. Jim Maurer is the only one of the group who speaks much about Russia, which he has visited, and none of us are afraid that even Jim prefers Leningrad to Reading, or Leningrad ways to Reading ways. He has a facility of speech which usually subjects him to the control of his audience, and some radical proposals result. But Jim would never favor a revolution, or even the confiscation of the utilities. At heart he is decidedly more Pennsylvania Dutch than anything else.

No! Socialism in Reading city government has been and will be just what Democratic and Republican governments have been, making allowance for the fact that it is a new broom, and is opportunely free of a long and sinful past. Our Socialist friends divide the population into two classes, one of which they are a part, and the other composed of capitalists. We don't know their definition of a capitalist, but we do know that all the members of the commission own real estate. There is no easy way of finding out what else they may own. One member owns two houses, clear of debt, having a total assessment of about $12,000. These properties happen to be recorded in his wife's name, but he publicly claims an interest. One member has owned his home since 1901; another since 1913; and they were all bought prior to 1927. So these men are not what some of our country's business interests think they are. Invested capital is as safe in Reading as any place. We would venture that it is safer, because we have "Socialism" and we know that the Reading brand is perfectly safe.

FIRST-CLASS POLITICIANS

These men were inexperienced in government, but they understood the principles of business even though they continually advertised themselves as anticapitalistic. And they have be-

come first-class politicians. They had no intention of wrecking the machinery of government by untried methods. They knew they were elected chiefly by the Democrats and they proceeded to stand pat and give a *good* Democratic administration, instead of just an *ordinary* one. They are not getting less conservative as time goes on. In fact they are getting so conservative that they are beginning to do the expected in city administration. There is talk about the number of relatives that the commissioners have on the city's pay roll. In the matter of spoils their record outruns that of the two previous administrations. The police department is protected by civil service regulations. But the park guards are not, and there was noticeable public indignation a short time ago when the entire force was ousted at one time to make way for the faithful. The water bureau, too, which is one of the large employers of labor, has offered a fruitful field for patronage. In a number of the better paying positions, holdovers have been the rule only because candidates could not be found in the ranks whose appointments could be defended in anything like an acceptable fashion. One of the members of the commission vouchsafed this explanation quite frankly.

But these things are politics. They are not politically wicked. Nor are they new or different. Even with these unexpected opportunities the rank and file are chaffing that in such times of unemployment, jobs are not keeping pace with the needs of a growing party. Of a different stripe is the accusation that a new sand company formed since 1927 is dominated by the Socialist city comptroller, and its product recommended to contractors doing work for the city. All these things are the doings of politicians and surely politicians are not reds.

Such feeble efforts at Socialism as the establishment of a city machine shop for the repair of the city's automobiles is a far cry from the schedule. The city is cleaning its streets now, but there is nothing alarmingly socialistic about that. Any other new functions that are being performed by the city are not important enough to have attracted any public interest or attention.

UNEMPLOYMENT RELIEF IN HANDS OF "CAPITALISTS"

When the unemployment situation first became acute enough to cause public discussion and the mayor was looked to as the Moses to lead us out, he explained that, although there were people out of work, the numbers were not out of the ordinary, and such a thing as an unemployment crisis was a mental myth. Having been close to the labor situation for years and being the leader of the city government his views were worthy of confidence. But the thing persisted. The Community Chest was being depleted so fast that something must be wrong. The social agencies were crowded with pleas for help. After a time some of the city's capitalists who were serving in advisory capacities with the social workers, importuned the mayor most urgently to recognize the situation and call a conference of representatives of civic organizations. It was necessary to raise funds, and quickly, to supplement the chest.

The conference was called by the mayor and he appointed capitalists to raise the money, dispense the assistance and secure the jobs for the unemployed. Two of the three leaders appointed by the mayor are large manufacturers and the other is a prominent Republican worker. About $60,000 was raised by public subscription through appeals by the news-

papers. The need was for $100,000. With this new fund about exhausted the city fathers were urged most vigorously to replenish it from the city's coffers. This plea was refused until just recently when the commission voted $10,000 for the purpose, with the understanding that this was the limit. City funds have to be administered by representatives of the city government, so these same three capitalists were appointed by the commission to spend the $10,000.

The local unemployed have their red wing and it "marched on City Hall." The announcement aroused interest, because they were going to call on erstwhile comrades. The mayor and Mr. Maurer, spokesman for the party, greeted them cordially, and readily granted their demand to hold meetings in the city's auditorium, but said they could not help them with the no-rent and $15 a week-pay-from-the-public-chest program. These men feel that the Socialists have gone conservative with a vengeance. They were told that when the whole country goes Socialist then their ills will be remedied, but the agitators look for a little relief from our small experiment.

The Socialist members of the school board were given credit for throwing several hundred men out of work, because they would not consent to work being done by the hour. They insisted on open bids and contract awards. Does that sound radical? The Democratic and Republican members of the board were perfectly willing to have a lot of work done on a time basis even if it cost a little more, to furnish work for the unemployed. The Democratic county commissioners did it, but the Socialists school directors would not stand for it, because it was not strictly legal—and they were right, so right that they may be wrong.

THE FALL ELECTION

What story do the figures tell for this fall? The Socialist registration increased from 1,238 in 1927 to 1,936 in 1930. But what does 700 registration mean to the Socialist ticket in a count of 12,000 votes? Nothing. It is not registered Socialists who elect Reading-Socialists to office. So why bother about that figure? It probably represents 700 who were always Socialistic and decided to register and be grouped officially with the winners, for reasons best known to themselves.

In 1929 the Socialists repeated their victory of 1927, when they captured the other two places on the commission, but the figures were not the same. With only two years in office and with only three of the five members, they lost 15 per cent of their previous count. In 1929 the Democrats increased their count by 20 per cent over the 1927 figures. Democrats returning to the fold weaken the Socialist vote in an almost direct proportion. The Republicans also increased their figures. The votes at the primaries all dropped. The Socialists dropped from 374 to 353; but again, these figures have no meaning because there is never a contest at the Socialist primary election.

Irrepressible current happenings, adding their weight to the assessment and other sores, will surely decrease the vote popularity of the present administration. And this would be true by whatever name it called itself. Reading Socialists are ruling on sufferance of borrowed votes, and these loans will be called shortly, and very shortly if either of the old parties offers a half decent opportunity for the wayward to return and vote for candidates worth while. Reading-Socialism seems like a good short sale.

RECENT BOOKS REVIEWED

WHY EUROPE VOTES. By Harold F. Gosnell. The University of Chicago Press, 1930. xiii, 247 pp. $2.50.

This volume points the façade of the structure of comparative government with statistical data regarding European voting habits. Selecting England, France, Germany, Belgium and Switzerland for observation, Professor Gosnell has checked a vast amount of election statistics. The work has been well done, although most of the conclusions reached are already in the possession of students of political science. The value of the book lies not so much in the conclusions as in the methods by which they have been attained.

Quantitative methods sometimes strive to achieve novelty by attempting to support conclusions not warranted by the data in hand. From this fault the work of Professor Gosnell is free. He does not attempt to evaluate those factors which cannot be clearly isolated, nor does he oversimplify the problem in an effort to give scope to statistical measurements. As corroborative evidence of conclusions already reached by observation, the book will aid in understanding the European scene.

A chapter summarizing the results of European experience leads to a discussion of the extent to which the lessons learned abroad may be applied to the United States. The book contains as appendices tables of national and local election statistics which are distinctly helpful.

WILLIAM SEAL CARPENTER.

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CITY BOSSES IN THE UNITED STATES. A Study of Twenty Municipal Bosses. By Harold Zink, Ph.D. Durham, North Carolina: Duke University Press, 1930. 371 pp. $4.00.

This book is a study of a representative group of party bosses in an effort to give a clearer picture of the men who have risen to political dominance in American cities. The sample selected is the result of an effort to represent both divergent geographical areas and the several political parties. Some of the men chosen are obscure. Some appear in any political text book. On the whole, the task of selection is well done. The study is interesting in that it marks fairly well the limits of research in its particular field.

The writer leaves aside efforts at interpretation of personality from any modern psychological standpoint. The pages fail to reflect in any way the influence of Freud, or any member of the analytic school, and the reader is unable to detect in the volume the slightest effect of the revolutionary controversies which have modified in the last twenty years our understanding of personality and behavior. The writer merely catalogues the ancestry, the general family background, the major overt actions of the men under observation. Studies of this type are, of course, valuable, but the reviewer feels that the younger men in political science should branch out into newer channels. The work under discussion is able, but at best it merely repeats a method already capably developed by the older generation of political observers.

HARRY A. BARTH.

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LEGISLATIVE PRINCIPLES. THE HISTORY AND THEORY OF LAW MAKING BY REPRESENTATIVE GOVERNMENT. By Robert Luce. Boston and New York: Houghton, Mifflin Company, 1930. 667 pp. $6.00.

Readers familiar with the earlier volumes of Mr. Luce will welcome this third study of the series on the Science of Legislation. Like its predecessors, it contains a vast array of facts collected from varied and sometimes obscure sources.

The title is somewhat misleading. Beginning with a chapter on the nature of law, the author then proceeds to a consideration of the general subject of representative government. Such topics as the origin of the idea of representation, proportional representation, protection of minorities, popular and geographic representation and apportionment under the union, are among the topics considered. There are also chapters on the origin of constitutions, the process of constitutional amendments, corrupt practices, franchise tests, initiative and referendum, right of petition, and the nature and function of public opinion. Thus the subject matter, in the opinion of the reviewer, includes too much and too

little. In Mr. Luce's volume is embodied material on the organization and structure of government that cannot be properly brought under the subject of legislative principles. There is, on the other hand, surprisingly little discussion in these pages of what may strictly be called principles of legislation. Although drawing his material chiefly from American sources, the author does not hesitate to include the experience of other countries. Thus the book might as well be entitled Principles of Comparative Government.

The chief value of this study lies in the wealth of material that is here collected. Serviceable chiefly as a reference book, its use might have been greatly enhanced by marginal notes and a table of contents listing the subject matter of the chapters.

ALPHEUS T. MASON.

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RIDERS OF THE PLAGUES. The Story of the Conquest of Disease. By James A. Tobey, Doctor of Public Health. New York: Charles Scribner's Sons, 1930. 348 pp. $3.50.

The third chapter opens with these words: "The science of public health has done more for the welfare of the human race than any other science." Since in a broad sense this is a true statement, we ought to welcome any book that seeks to arouse interest in this science and its attendant arts. Because this book not only has that object but has several very interesting sections, it deserves to be on the reading list of public administrators and citizens of public spirit.

Many of the "twenty-one heroes" are dealt with whose self-effacing work has left them unknown to the man in the street, but their researches and discoveries are responsible more than anything else for the lengthened lives and more robust constitutions of the men and women of today.

There are whole chapters on Pasteur, Florence Nightingale, Lister and Sedgwick which contain stories, incidents, and anecdotes concerning them and their contemporaries. These should fire the imagination of youth "to do great deeds" in the field in which, in spite of undoubted solid achievement, so much remains to be done, as the present influenza epidemic reminds us.

The last two chapters, one on our new knowledge of nutrition, and the other on the art of sane living, do not, critically speaking, belong in a book with the title this one has, but since nutrition has been found to be important in acquiring resistance to certain microörganisms, it tends to point the direction in which sanitarians expect to be of greatest use to their fellows in the near future. As for the value of bringing home the increasing toll that mental disease is taking, and then offering some simple rules for cultivating mental hygiene, no fault can be found with this.

The reviewer wonders how the author managed to keep silent on the constant cry of public health men when they gather together—the interference of politics in their departments; not only the politics of the ballot-box but of medical societies, schools, fads, etc. Maybe he did not want to tell the youths whom he would inspire to be riders of the plagues, that one of the plagues, infecting public health departments, in far too many states and cities is the vested interests which blindly strive for power at the cost of human health, as well as the pinch-penny "taxpayers' association" to whom the appropriation for health is the first place to "economize."

If one hundred thousand boys and girls in their late 'teens read this book, the line of heroes of peace will be augmented in the next decades. If that number of adults read it, there will be delegations of laymen to the next budget hearings pleading for a larger investment of public funds in a direction in which the returns are surer and more valuable than those of any other activity—public health.

WALTER J. MILLARD.

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CITY NOISE. Noise Abatement Commission. New York: Department of Health, 1930. 308 pp.

While sensitive individuals can feel the strain of nerve-wracking intrusions upon the ear drums it has remained for science to reveal the full extent of the havoc wrought by noise.

The commissioner of health of the city of New York appointed a Noise Abatement Commission in October of 1929. In the autumn of 1930 a volume of more than 300 pages was issued by the commission under the title of "City Noise." The commission was composed of nine physicians two business executives, a civil engineer, an acoustical research director, a lawyer and several public officials. One of the doctors conducted experiments which seemed to prove that noise contributed to fatigue, lessened efficiency or at least necessitated greater effort to accomplish results.

A tabulation of the noises which gives most annoyance to citizens lists in the following order: motor trucks, automobile horns, home radios,

elevated trains, street and store radios, automobile brakes, ash and garbage collections, street cars, automobile cut-outs, fire department sirens and trucks, noisy parties and entertainments, milk and ice deliveries, riveting, subway turnstiles, buses, horse-drawn trucks, locomotive whistles and bells and so on down the list to restaurant dishwashing which rated 25 complaints out of 11,068.

Experiments were conducted to measure noise, and to analyze the characteristics which prove most startling or nerve-wracking.

As the result of scientific experiments, old and new, the commission definitely recommended for the city of New York:

1. That the city government authorize a noise squad as a part of the health department whose duties in the field of noise abatement will be similar to the present excellent system used by the department of health in abating the smoke nuisance. The system used by the department of health in investigating noise complaints should be continued and, if conditions warrant, extended.

2. That a comprehensive and energetic educational campaign be conducted to arouse public consciousness to the evils of noise and advantages of a quieter city. The general public should be supplied with information which will make clear the methods by which relief from noises can be obtained so that every citizen will know which city department has jurisdiction over various sources of noise and so may send his complaint immediately to the right place and so have it investigated without the delay of rerouting.

The commission recommended that the sources of city noise as revealed in the noise measurement survey be used as a guide.

The work of the Noise Abatement Commission has received enthusiastic comments from the press throughout the United States. The important report published by the New York Commission should, if followed up, result in mitigating the unnecessary noises of New York City; but its effect, if New York is successful in any degree, should reach to all of our noisy cities, and, perhaps, lead to the creation of a quieter environment for the people which in itself would contribute to the comfort of living and bring about a larger output of work in relation to the effect expended.

HARLEAN JAMES.

✠

THE LAW OF ZONING. By James Metzenbaum. New York: Baker, Voorhis & Co., 1930. 584 pp. $7.00.

The author may be regarded in the light of a special pleader for a better understanding of the problem of zoning, having spent some years as a practicing lawyer in that field. In fact, the volume in its more technical aspects closely follows his brief argued before the United States Supreme Court in the case of the village of *Euclid et al.* vs. *Ambler Realty Company* (272 U. S. 365) in which the fundamental philosophy underlying our present zoning law is set forth.

Mr. Metzenbaum's volume evidences much research into the historical, as well as legal phases of his subject and fills a real need in this increasingly important field of government.

The arrangement of his material follows a logical order making for easy reading by the layman—a fact much to be appreciated in these days of rapid scanning. For the student and expert in the field of government, the book will be found especially valuable as a reference work because of the digest of state decisions affecting zoning, as well as the printing in full of some of the principal city zoning ordinances such as New York, Chicago and Cleveland. The form of procedure of the New York Board of Standards and Appeals should prove of great practical value to anyone with problems in that field. The book is well indexed with respect to both cases cited and factual material.

The author is to be congratulated on presenting in an interesting style an extremely technical subject in such a manner as to hold the interest of the lay reader, as well as the expert.

RUSSELL MCINNES.

✠

A TRAFFIC OFFICER'S TRAINING MANUAL. By Clarence P. Taylor. Chicago: National Safety Council, 1930. 225 pp. $2.00.

It would seem to be a hopelessly difficult and futile task to prepare a traffic officer's training manual for general use. Volume and kind of traffic, street widths, state laws, city ordinances, governmental and political inhibitions, public tolerance, and the other conditions affecting a traffic officer's work vary so widely from city to city that, to a layman, it would appear impossible to set down instructions of universal application.

However, the reader of this manual soon finds that there are principles of official conduct, investigation, the use of data, making reports, giving testimony, and the like that are fundamental and general. These the manual clearly sets forth. Further, the book has succinct things to say on the nature of the traffic problem, on control of intersections, parking, processions

and crowds, headlights, and mechanical equipment; things which, if known to a traffic officer, should assist his work.

The manual is clearly and simply written, of convenient size for the official pocket, and printed in large type. As a textbook of those underlying and general principles of good traffic regulation it should find wide use, and, also, it should help to a uniform and better informed approach to the traffic problem.

C. A. Howland.

✻

State Income Taxation. By Roy G. Blakey. Publication No. 31, The League of Minnesota Municipalities. December 15, 1930. 34 pp. 50 cents.

Professor Blakey of the University of Minnesota gives in this document an excellent summary of state income taxation in the United States. The pertinent facts on income taxation in the several states using this method of taxation are set forth in tabular and graphic form. In emphasizing the importance of good administration, the author cites the successful experience of Wisconsin and observes that states adopting income taxes have been successful or not largely in proportion to the degree in which they have followed the lessons of Wisconsin's administrative experience. Some of the conclusions of the author may be of interest. He believes that income taxes can be administered fairly well under good centralized supervision reasonably free from political pressure. Whether the adoption of income taxes lightens other taxes is difficult to say, since taxes are determined by expenditures. It seems probable that the general property tax would have been larger than it now is in a number of states had not the income tax assumed part of the burden. The charge that the income tax is bad for business and drives industries from a state does not seem convincing, except to those who want to be convinced. It should prove attractive to new industries, since they will have little or no taxes to pay while they are getting on their feet. An income tax is one of the best forms of privilege tax, and, with proper personal exemptions, it is also one of the best of luxury taxes. Securing good administration, ascertaining net income, and stabilizing yields are serious but not insurmountable difficulties that confront the successful application of state income taxes. Professor Blakey concludes that "a properly drawn and administered income tax seems best suited to meet the insistent demand in Minnesota for a supplementary source of revenue."

Martin L. Faust.

✻

State Supervision of Local Finance in Minnesota. By Edwin O. Stene, M.A. Publication No. 30, The League of Minnesota Municipalities. November 15, 1930. 34 pp. 50 cents.

This publication presents a descriptive and to some extent critical account of state supervision of local finance in Minnesota. References to the practices and more highly developed methods of state supervision of local finance in other states are included with the evident purpose of suggesting a more satisfactory policy in Minnesota. Necessarily the author gives his attention mainly to such problems as state control of local taxation, the relation of the state to municipal budgeting, supervision of municipal accounting, and supervision of municipal indebtedness. For the most part the system of state control of these matters in Minnesota is one of statutory limitations and directions with a negligible amount of state administrative supervision. In a final chapter on Summary and Conclusions, Mr. Stene appraises the Minnesota situation on the basis of the report of the committee on state supervision of local finance of the National Conference on the Science of Politics of 1924. The Minnesota system, because of the lack of a system of state supervision, fails to insure local self-government. "Leaving municipalities entirely to themselves does not insure self-government. Since the voters are unable to get for themselves information which would help them in their determination of policies, positive aid in the form of statistical data or expert advice is of considerable value in promoting intelligent local self-government." A single department for municipal affairs with limited powers of compulsion but with adequate facilities and a generous spirit for coöperation is in substance the author's recommendation for the development of a more satisfactory policy in state supervision of local finance in Minnesota.

Martin L. Faust.

✻

Control of Public Utilities Abroad. By Orren Chalmer Hormell, Ph.D. Distributed by the School of Citizenship and Public Affairs, Syracuse University, Syracuse, New York, 1930. 88 pp. $1.00.

In view of the increasing interest in the problems of public utility regulation and control,

Prof. Hormell's monograph is especially timely and useful. Appearing originally as an appendix of a report of the Committee on Revision of the Public Service Commissions Law of the State of New York, it has been reprinted separately in convenient form and is recommended to all students of the public utility problem interested in comparing the methods of public utility control in Europe with those in vogue in the United States. The practices of Great Britain, France, Germany, Sweden, Norway and Switzerland with regard to ownership, taxation and regulation, including determination of rate base and fixing of rates, are presented in precise detail. The present situation with regard to each utility is considered separately and special attention is given to plans of regional and national power development. A well-selected bibliography is presented for the public utilities of each country considered.

FREDERICK L. BIRD.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY EDNA TRULL

Municipal Administration Service

The Organization, Functions and Expenditures of Local Government in New Jersey.—Trenton, 1931. 272 pp. The New Jersey Legislature in 1929 authorized a Commission on County and Municipal Taxation and Expenditures. This commission aided by Dr. Harley Lutz and a staff headed by Hugh J. Reber of Griffenhagen and Associates, Ltd., has recently reported. The first report is available in three sections: I. Some Aspects of Local Governmental Organization and Structure; II. Expenditures and Functions of Local Government in New Jersey; III. Factors Contributing to the High Cost of Local Government and a Suggested Program of Revision and Reconstruction. The commission holds that apart from actual misgovernment, excessive taxes are due to diffusion of responsibility under the present governmental structure. Concentrating responsibility for expenditures will require surrender of a degree of home rule, a choice put to the people. The commission recommends simplifying organization and structure of the local government, developing standards of service and costs, coöperation of state and local authorities in providing governmental services, making a re-allocation of responsibility for services on the basis of logic, rather than accident, distinguishing between policy-determining and administrative functions, eliminating patronage. This first report by the commission is an important addition to current reconstruction programs. (Apply to Commission to Investigate County and Municipal Taxation Expenditures, Trenton, New Jersey.)

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The Inheritance Tax in Kentucky.—Rodman Sullivan. University of Kentucky, 1930. 63 pp. Since 1906, Kentucky has had some form of inheritance tax. Records are now available since 1920, and Professor Sullivan has here presented the results of his study of these. He considers the four successive Kentucky laws, and their influence on revenue, as a whole, and by relationship groups, the practical effect of progressive rates, exemptions and justification for groupings. Such facts as those discussed here seem indispensable to any consideration of the success of the inheritance tax, and opportunity for improving its form and operation. (Apply to Bureau of Business Research, University of Kentucky, Lexington, Kentucky. Price, 50 cents.)

*

A Ten-Year Budget of City Improvements for Youngstown.—City Planning Commission, 1931. 29 pp. with maps and diagrams. This is a program for civic development whereby Youngstown, Ohio, may increase its usefulness from business and industrial standpoints, and as a desirable place in which to live. It presents a method by which improvements may be made over a ten-year period with a limited expenditure and no tax increases. The plan includes street, bridge and viaduct proposals worked out on careful survey of present traffic conditions and expected city growth; public buildings for fire stations, courts and jail; a park and school playground development with an increase of about 50 per cent; a remodeled sewer system to care for the excess load and storm emergencies. The expenditure of $7,625,000 will thus take care of the items essential to Youngstown's development for ten years, and with forward-looking plannings ought to be met without tax in-

creases. The Planning Commission recommends revision in case of necessity, and a continuing ten-year-ahead plan. (Apply to City Planning Commission, Youngstown, Ohio.)

✻

Population Trends.—Philadelphia, 1931. 32 pp., illustrated. The Regional Planning Federation of the Philadelphia Tri-State District, through its Population Committee, has estimated the numerical growth of this region to the year 2000. The conflicting trends to urban centres and from the city proper to suburban regions, and sub-centers are considered. Future welfare and comfort demand comprehensive planning to provide physical facilities for recent increases on the peripheries of the principal cities of this region (including not only Philadelphia, but Camden, Trenton, Wilmington and Chester), the rehabilitation of areas abandoned by migration of population, and facilities for the region in anticipation of the growth indicated for the future. With great opportunity, industrial, transportational, and residential, the region can make the most of this only through coördinated and far-sighted planning, with alert, constant study of factors making for liability and progress. (Apply to Regional Planning Federation, 1700 Tax Building, Philadelphia, Pennsylvania.)

✻

Discussion of Certain Municipal Problems.—Roy A. Knox. Los Angeles Bureau of Budget and Efficiency, 1931. 39 pp. Mr. Knox, director of the Bureau, spoke to various audiences on budgetary problems of the city of Los Angeles, what the taxpayer receives for his money, fact-finding in a city's business (the work of the Bureau), and legal limitations of special assessments. These speeches were printed by the vocational printing classes of the Fremont High School as an educational project. (Apply to Bureau of Budget and Efficiency of the City of Los Angeles, California.)

✻

The Form of Government in 288 American Cities.—Charleton F. Chute. Detroit Bureau of Governmental Research, 1931. 20 pp. In 1929 a questionnaire on form of government was sent to all cities with a population of 30,000 or more. Information was secured and tabulated on general form of government, whether elections are partisan or non-partisan, the number of councilmen and whether they are elected at large or by wards, the term of the council, and whether the members' terms overlap, the salary of the councilmen and the term and salary of the mayor. Simple tabular form, with very little text, is used to present the material. (Apply to Detroit Bureau of Governmental Research, Inc., Detroit, Michigan.)

✻

Report on University of California.—California Taxpayers' Association, Inc., 1931. 52 pp. This joint project of the University and the Research Department of the California Taxpayers' Association involved two years of study. A great deal of statistical material was accumulated in job analyses of 2,000 faculty members, classroom attendance and grades of 20,000 students. Records of classes with an enrollment of 174,168 were analyzed and data assembled on the cost of instruction, by departments and divisions. The study is a general one on finances and growth of the University for the years 1918–1929, has details on unit costs of instruction for 1928–29, and gives a fund of material for predicting future development. Part I of the Report is the original data, not published. Part III is a summary presented serially in *The Tax Digest*. Part II is the analysis of the survey with conclusions and recommendations supported by graphs and summaries of the detail in Part I. (Apply to California Taxpayers' Association, Subway Terminal Building, Los Angeles, California.)

✻

On Guard.—New York, 1931. The Prison Keepers' Council of the New York City Department of Correction have started this year to publish monthly "the only magazine in America by prison keepers, of prison keepers, for prison keepers." The current issue contains articles on prison reform as proposed by the New York State Commission, the difficulty of effecting reform in some of those prison practices said to be "cruel or degrading," mental attitudes of prisoners, the importance of the keepers' attitude toward the prisoner, dope peddling. These articles are the work of "outside experts" as well as of the keepers, and some issues also include the work of prisoners. The high quality of the magazine may be difficult to maintain. (Apply to the Editor, Keeper Alexander Weinstock, 715 West 172 Street, New York City. Price, 25 cents a copy.)

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE

Professor of Law, New York University

Civil Service—Order Barring Political Activity by Civil Service Employees Upheld.—In a recent decision, *Stowe* v. *Ryan* (1931) 296 Pac. 857, the Supreme Court of Oregon upheld the action of the Civil Service Commission of Multnomah county in removing the plaintiff from office for violating the law forbidding civil service employees from engaging in political activities. The opinion of the court reviews not only the local statutes but discusses the extent of control that may be exercised over officers and employees under civil service from the point of view of constitutional law. The leading cases of *Ex parte Curtis*, 106 U. S. 371, *McAuliffe* v. *Mayor of New Bedford*, 155 Mass. 216, 29 N. E. 517, and *People* v. *McCullough*, 254 Ill. 1 (1912), 98 N. E. 156, are discussed and reviewed. These cases sustain the plenary power of the state to prescribe the conditions of service and the rules of conduct for its officers and employees to the extent that may be necessary to promote efficiency and integrity in the discharge of their duties and a proper discipline in the public service. The power of Congress to prescribe similar rules of conduct for officers and employees of the United States was sustained by the Supreme Court in *United States* v. *Wurzbach* (1930), 280 U. S. 396.

⚜

Eminent Domain—Public Purpose.—In *State* v. *Oliver*, 35 S. W. (2d) 396, the Supreme Court of Tennessee holds that the power to condemn property for park purposes is not limited by the fact that the ultimate purpose of the condemnation is to transfer the lands so taken to the United States for inclusion in a national park. The lands in question are a part of those deemed necessary for the establishment of the Great Smoky Mountain National Park in North Carolina and Tennessee, authorized by the Act of Congress in 1926 (16 U. S. C. A., §403).

It is well settled that a municipal corporation may be empowered to condemn land for a public purpose that is also for the common interest of other municipalities or of the state itself (*Hill* v. *Roberts*, 142 Tenn. 215, 217 S. W. 826). The court holds that a park maintained under federal ownership and operation may serve the public interests of a city, a county or of the state itself, although primarily for the use of the people of the entire country. The superior advantages to the people of Tennessee because of the closer access to a natural park are obvious.

The conclusion of the court is supported by decisions in other states where a similar question has been raised. In *Yarborough* v. *North Carolina Park Commission* (1928), 196 N. C. 284, 145 S. E. 463, the court upheld the authority given to the state park commission to condemn lands to be conveyed in fee to the federal government for the same enterprise. In *State* v. *Milwaukee* (1914), 156 Wis. 549, 146 N. W. 775, the power granted to the city to condemn land to be transferred to the United States for the improvement of the local harbor was upheld. So, also, the state power of eminent domain may be exercised where the purpose is to turn over the lands taken to the federal government for public defense (*Rockaway* v. *Stotesbury* (1917), 255 Fed. 345, 352).

⚜

Powers—Portraits of Soldiers as Equipment of a Memorial Building.—One of the many interesting cases relating to war memorials is that of *Imperishable Arts, Inc.* v. *City of Cambridge*, 175 N. E. 52, recently decided by the Supreme Judicial Court of Massachusetts. Under authority given by statute to appropriate money for "purchasing, erecting, equipping and dedicating buildings, or constructing or dedicating other suitable memorials, for the purpose of commemorating the services and sacrifices of persons" who served in the World War, the City of Cambridge set aside a memorial room in the Cambridge Public Library and contracted for one hundred and forty portrait placques of dead heroes to be placed therein. After they were delivered and the money appropriated to pay for them, the city auditor refused to pay the bill upon the ground that the city had no power to contract for such a purpose. In affirming a judgment for the plaintiff, the court holds that enduring and lasting portraits are appropriate memorials and that

they are included within the proper equipment authorized by the statute for a memorial building.

✻

Powers—Lease of Park Property.—Under the so-called Home Rule Act of New Jersey, the power is given to a municipality to lease "any part of any public park or place of public resort owned by it and not presently needed for which it was acquired or any building or portion thereof thereon not so needed" and further that "the letting thereof shall be advertised in some newspaper circulating in the municipality at least ten days prior to the receipt of bids" (P. L. 1917, Art. 36, sec. 13). In *West, et al.* v. *Borough of Monmouth Beach*, 153 Atl. 495, the Supreme Court of Errors and Appeals holds that these limitations upon the exercise of the power are mandatory, that in absence of a compliance therewith no valid lease may be made and that the defect cannot be cured by part performance on both sides nor by the acceptance by the municipality of the consideration or money for the use and occupation of the property.

In the instant case, the borough agreed to lease a bathing pavilion and part of its public beach to the plaintiffs for the season of 1928 at an agreed rental of $650. The borough tendered a lease which the plaintiff refused to accept as it contained a clause reserving to the public access to the bathing beach. Nevertheless, they paid part of the rent and went into possession and later upon action brought to enforce the agreement paid the remainder of the rent. The present action was for damages for the interference by the borough with their alleged leasehold rights.

The New Jersey courts have consistently stood for a strict construction of municipal powers and refused to admit that any binding obligation can arise where the power is lacking or where the municipality has failed to comply with the statutory requirements as to the method of exercising such power. In the instant case, the court finds that upon both of the above grounds the agreement was illegal and that no contract either express or implied arose. The general rule that the powers of a municipal corporation cannot be extended by the operation of the doctrine of estoppel has recently been modified in some jurisdictions to give a remedy for benefits received under a contract invalid because of a failure to comply with the statutory requirements limiting the method by which a power may be exercised (*First National Bank* v. *Goodhue*, 120 Minn. 362, 139 N. W. 598; *Webb* v. *Wakefield Township*, 239 Mich. 521, 215 N. W. 43; *Silliman* v. *Connecticut*, 111 Conn. 510, 150 Atl. 502), but nowhere has the doctrine been applied to cure transactions which are clearly ultra vires. The limitations upon the application of the doctrine of estoppel to the acts of governmental agencies are well set forth in *Denver & S. L. Ry. Co.* v. *Moffat Tunnel Improvement District* (1929), 35 Fed. (2d) 265 and *City of Bristol* v. *Dominion National Bank* (1929) 153 Va. 71, 149 S. E. 632.

✻

Police Power—Regulation of the Production and Sale of Ice.—In *New State Ice Co.* v. *Liebmann*, 42 Fed. (2d) 913, the Federal District Court of the Western District of Oklahoma declares invalid chapter 147, Laws of Oklahoma, 1925, which provides that the manufacture, sale and distribution of ice shall be deemed a public business as defined by the laws of that state, subjects it to license fees based upon the tonnage sold and places it under the jurisdiction of the state corporation commission. The statutes of that state (section 11032, Compiled Statutes) provide for the regulation of any public business as to practices, charges and rates whenever in any community it becomes a virtual monopoly.

In the instant case an injunction was sought by the petitioners to restrain the defendant from engaging in business in competition with them without his complying with the law and obtaining a license from the corporation commission of the state. It is quite clear that the petitioners as private parties had no standing to invoke equitable relief against the defendant because of his failure to comply with the state law, and the bill was properly dismissed. But the District Court asserts that the entire law is invalid as an attempt to regulate a business that in fact is private in character and does not tend to become a monopoly more than any other legitimate private business. While it is true that the declaration of the legislature is not conclusive, it should be given great weight and its finding that the business of supplying ice to a community is charged with a peculiar public interest should not be disregarded if there exists any basis for the conclusion. The relation of the ice business to public health seems in itself sufficient to justify state supervision and regulation. Such regulations if reasonable to attain the ends intended should be supported and their enforcement by the state authorities upheld. It seems that most of the discussion of the court as to whether the business is a public

utility is besides the issue and was not necessary to the decision of the case.

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Special Assessment Liens—Effect of Sale of Lands for General Taxes.—In its recent decision in the case of *State* v. *City of Vancouver*, 295 Pac. 947, the Supreme Court of Washington has again changed its construction of the statutes of that state and now holds that the city cannot be held directly liable on special assessment bonds payable out of the special fund or be compelled to make a reassessment to meet a deficiency where the assessment when made was sufficient to meet the bonds, but through delays in collection and the cutting off of the special assessment liens by sale of the lands affected for general taxes the fund has become insufficient. This decision expressly overrules the previous decision of the same court in the case of *Loveless* v. *Chehalis* (1925), 133 Wash. 33, 233 Pac. 301, which held that under such circumstances the bond-holder could require a reassessment on all the lands in the district except those which in the meantime had been sold to satisfy the lien of general taxes.

The law of special assessment liens is entirely statutory and occasionally the vagueness of the statutes leads the state courts into contradictory conclusions as to their construction. When the highest court of the state finds itself unable consistently to construe the special assessment statutes, as in Washington, no one can know how the law will be applied in any given case. It would seem that the only recourse left to the bond-holder would be to invoke the protection of the federal courts against the impairment of his contract rights. If the law as construed by the highest court of the state gave him certain rights under his contract when executed, those rights should be assured him in an action brought in the federal courts against a change in the statute by judicial construction as well as by legislative act (*Gelpcke* v. *Dubuque*, 1 Wall. 175; *Tidal Oil Co.* v. *Flanagan*, 263 U. S. 444).

For a somewhat extended discussion of the general subject of special assessment liens the reader may be referred to the extended notes published in the April and June, 1928, numbers of the REVIEW.

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Torts—Liability for Negligence in the Care of Parks and Playgrounds.—In *City of Sapulpa* v. *Young*, 296 Pac. 418, the Supreme Court of Oklahoma had before it for the first time the broad question of the liability of a municipality for negligence in the maintenance and operation of its parks. The plaintiff, a girl of fourteen, was severely injured in playing with a swing which from its construction and location was dangerous for children to use. While in one earlier decision (*City of Anadarko* v. *Swain* (1914), 42 Okla. 741, 142 Pac. 1104), the court had predicated liability upon the application of the doctrine of attractive nuisance, the facts of the instant case required that it be decided upon the broader consideration of the nature of the city's duty to the public in the care of its parks and playgrounds. Upon this question the courts of several states take the ground that the function exercised in maintaining parks and playgrounds is primarily governmental as related to the public health and that no duty of care is owed to the members of the public who may use them. On the other hand, the courts of many other states, including those of New York, Pennsylvania, Ohio, Indiana and Missouri, take the more modern view that parks are established primarily for the welfare and convenience of the locality and that the municipality should be held liable to the individual who suffers damages caused by its negligence in failing to maintain them in a reasonably safe condition.

Faced with this conflict of authority, the Supreme Court of Oklahoma definitely places itself in line with those courts that apply the doctrine of liability and affirmed a judgment for the plaintiff. It is noteworthy, that in every instance where this question has been raised for the first time in recent years the state courts have without exception adopted the more liberal doctrine.[1]

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Indebtedness—Unsold Bonds May Not be Used as Collateral without Express Statutory Authority.—In *City of Sanford, Fla.* v. *Chase National Bank*, 44 Fed. (2d) 206, the District Court of the Southern District of New York decreed the restitution to the city of some $740,000 par value of bonds of the city, which had been issued and pledged as collateral with a local bank and repledged to the defendant as collateral security for money advanced to the local bank upon the city's certificates of indebtedness and credited to the city's account in such bank. The court

[1] See *Byrnes* v. *Jacksonville* (1925), 140 Miss. 656, 105 So. 861; *Ramirez* v. *Cheyenne* (1925), 34 Wyo. 67, 241 Pac. 710; *Warden* v. *Grafton* (1921), 99 W. Va. 249, 128 S. E. 375; *City of Waco* v. *Branch* (1928) (Tex. App.), 5 S. W. (2d) 498.

holds that, as no statutory authority was shown which gave the city power to pledge the unsold bonds, the defendant bank was bound to return them upon demand of the city.

The city also sued for the return of certificates of indebtedness largely in excess of $450,000 issued by the city officers, upon which the defendant had advanced money that had found its way into the local bank account of the city. The evidence showed an earlier discount of similar certificates under proper authorization up to $450,000, which had been paid from the proceeds of other bonds when sold, and a later existing authorization of certificates up to $300,000. The court held that by the acts of the plaintiff city and the recitals printed upon the certificates the city was estopped to deny their validity up to the amount of $450,000. This case is significant in that the court applies the doctrine of estoppel to enforce non-negotiable municipal obligations, otherwise invalid.

The great weight of authority is that the doctrine of estoppel by recitals cannot be invoked against a municipal corporation to cure an ultra vires act. But in the instant case the city had the power to borrow money by the issuance of certificates of indebtedness when duly authorized by the city commission and the estoppel might well extend to all certificates from the sale of which the city derived the proceeds. The later decisions uphold actions for money had and received into the treasury by the sale of invalid securities, and if the doctrine of estoppel is to be applied there would seem to be no good reasons for limiting its application to the certificates of $450,000 (*Brenham* v. *German American Bank*, 144 U. S. 549; *South Sioux City* v. *Hanchett Bond Co.*, 19 Fed. (2d) 476).

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Zoning—Teaching of Music a Profession.—In *People* v. *Kelley*, 255 N. Y. 396, 175 N. E. 108, the New York Court of Appeals reversed a conviction of the defendant for a violation of the zoning laws of the city of New York in conducting a music studio in a restricted residence district. The court bases its decision upon the clause of the city charter (sec. 240—b) which provides that regulations for districts zoned "may be imposed, designating the *trades* and *industries* that shall be excluded or subjected to special regulations." The court holds that the teaching of music is a profession, and not a business, trade or industry as these words are used in the law, in zoning regulations or in common parlance and that under the police power no distinction can be drawn between the teaching of music and the teaching of any other art or the practice of medicine, law or dentistry. It is suggested, however, that any profession may be so conducted as to deteriorate or extend into a business or industry.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

ARE ELECTRIC DISTRIBUTION COSTS EXCESSIVE?

The view has been repeatedly presented in this Department that the principal responsibility for high electric rates, especially to domestic consumers, appears in distribution costs rather than in generation and transmission. As a result of the technological improvements that have taken place during recent years, the generating and transmission costs usually do not exceed 1 cent per kilowatt hour (including interest on investment), while the rates to the ordinary domestic consumer are seldom under 8 cents per kilowatt hour. Why this great spread between production costs and rates?

OBSCURING THE COSTS

As conditions stand, there is substantial control of production and transmission costs, because of their more ready determination and because of the territorial competition which exists between different power systems. But as to distribution costs, each company has a monopoly of service in a given municipality or locality, and merges all the different kinds of distribution costs so that analysis becomes difficult and the relation to service is obscured.

The fundamental fact is the local distribution monopoly; hence there is no natural check upon costs. They are not kept to a minimum through competition, and overheads are allowed to consume the margins of revenue provided by the high domestic rates. Furthermore, a large proportion of a company's aggregate investment is in distribution properties and is used for the benefit of the different classes of customers; so there is not only the uncertainty as to the "fair value" of the distribution properties, but also as to their allocation or relation to the various classes of consumers served under varying conditions.

The prevailing situation serves most excellently to obscure both the aggregate amount of distribution costs, including return on investment to which a company is reasonably entitled for reimbursement from the public at large, but also the relation of the costs to various classes of consumers. Under such circumstances, the high rates paid by the mass of ordinary domestic users can be explained by evasive generalities. A successful attack against specific rates requires an intensity of investigation and minuteness of analysis seldom obtainable in the interest of domestic users.

The large power users are not caught in the network of uncertainty and obscurity. They have this very simple protective measure: alternative sources of power produced either by steam or by the highly efficient, modern Diesel engine. Industrial rates are thus, perforce, kept low enough to attract and hold the large industrial business. This is a natural safeguard against high rates; hence industrial users require practically no protection from the elaborate and inefficient regulatory machinery that has been developed.

TURN ON MORE LIGHT

The ordinary residential user has no automatic protection against high rates. He must take the electricity furnished, and pay the rates that are fixed for him. It is this class for which effective regulation is needed and for which the companies' defenders are able to create obfuscation. This fact has been emphasized in this Department repeatedly, and has been supported by impartial students of rates. It received special emphasis recently by Morris L. Cooke in a letter addressed to the engineering profession, and largely through his efforts was recognized by the *Electrical World* in a special editorial in the issue of March 7, 1931, under the heading "Turn More Light upon Distribution Costs," which limited space unfortunately does not permit us to reproduce.

NEW YORK STATE DISTRIBUTION EXPENSES

Undoubtedly, light and more light is needed. As a small part of the lighting process, we wish to present for what they are worth, the results of recent studies that we made in the field of distribution costs. In the preparation of the "Marketing Report" for the St. Lawrence Power

Development Commission, we made a comprehensive survey of the distribution costs that would have to be provided to make St. Lawrence hydro-electric power available for the ordinary households of the state of New York. We pointed out the difficulties that are encountered in making an adequate distribution analysis for rate making purposes, so as to place equitably upon every class of consumers the costs that are reasonably due to them. While we made no specific finding, we presented the available data in such form as to show definitely what kind of studies and analyses would have to be made to assure reasonable rates for the domestic users.

In the study we included a survey of available distribution costs for every company and municipal plant in the state of New York, also all municipalities of 10,000 population and over in the province of Ontario, Canada. The figures indicate strongly, but do not prove conclusively, that in the state at large the distribution expenses are considerably higher for the private companies than for the municipal plants. There are, moreover, wide differences between individual companies, and for the most part high distribution costs obtain where high domestic rates prevail.

It may be true, of course, that high rates are due to the high distribution costs; but the reverse may also be true, that the high distribution costs have accumulated because the rates are high. At any rate, here is a field that certainly requires intensive study (a) as to whether the costs are excessive and whether economies can be effected, and (b) as to how the costs should be absorbed by the different classes of consumers, and particularly whether they are not peaked cumulatively upon the domestic users.

For the state of New York as a whole, the different companies are grouped according to systems of control, including the companies controlled by the Niagara Hudson Power Corporation, the Associated Gas and Electric group, the Consolidated Gas group, the Long Island Lighting Company, the Central Hudson Gas and Electric, all other privately-owned properties, and the municipally-owned plants. For each group the operating expenses due to distribution were segregated from all other operating expenses. They included the cost of labor, material and superintendence connected with maintenance and operation of mains, services, meters, customers' appliances and commercial expenses connected with meter reading, accounting, collection, together with a due proportion of the general and miscellaneous expenses. They do not include taxes or return or interest on any of the distribution investment.

The expenses as thus obtained are divided for each group by the total electric sales to all industrial, commercial, domestic and other users, except the resale to other electric corporations. The following is a summary of the total kilowatt hours sold and the distribution expenses in mills per kilowatt hours sold, for the year 1929:

Company or system up-state	*Electricity distributed, kwh.*	*Distribution expenses; mills per kwh.*
Niagara Hudson Power	5,253,118,529	1.77
Associated Gas and Electric	648,852,588	8.56
Central Hudson Gas and Electric	109,171,927	14.10
Long Island Lighting (outside New York City)	116,580,985	13.54
New York Edison (outside New York City)	197,701,309	21.84
Other up-state companies	88,088,062	11.84
Municipal plants	84,284,619	5.21
Total up-state	6,497,798,019	3.65
Up-state, excluding Niagara Hudson Power	1,244,679,490	11.62
New York City		
New York Edison	3,303,056,202	11.48
Staten Island Edison (Associated Gas and Electric)	86,031,255	8.83
Queens Borough Gas and Electric (Long Island Lighting)	26,550,036	21.08
Total New York City	3,415,637,493	11.48
Total state	9,913,435,512	6.35
Total state, excluding Niagara Hudson Power	4,660,316,983	11.52

These figures are presented merely to show the extreme need of distribution cost investigation and analysis, not to prove specifically that the costs are excessive as to any company or group,

or that slashing rate reductions in any instance are warranted. The facts as they stand, however, indicate that a detailed study is necessary to determine whether the costs themselves are excessive, and if not excessive, how they should be met by the different classes of users.

WIDE RANGE OF COSTS

The figures as they stand are extremely suggestive. Observe the extremely low cost of 1.77 mills per kilowatt hour for the Niagara Hudson Power. This low result is due in large part to the tremendous amount of industrial power sold by this system. The principal unit of this system is the Buffalo, Niagara and Eastern, with an aggregate sale of 4,697,000,000 kilowatt hours, which was chiefly industrial power; it produced the very low cost of only 0.28 mills per kilowatt hour for distribution expenses. The second unit in the Niagara Hudson group is the Mohawk Hudson Power Corporation, which serves electricity from Albany westward, and includes the populous mid-state territory. This company distributed a total of 1,421,000,000 kilowatt hours, which represents the more usual division between residential and industrial use; it had an average of 4.53 mills per kilowatt hour for distribution expenses, and this is the lowest average for any of the companies which are not primarily distributors of industrial power.

As to the other private companies and systems, the cost per kilowatt hour ranges from 8.56 mills per kilowatt hour for the Associated Gas and Electric system, to 21.84 mills per kilowatt hour for the New York Edison units outside of the city of New York. A clear picture for the state at large appears if the Niagara Hudson group is excluded from the average, because of its extremely high industrial power. The wide range of costs raises the basic question of fact whether in most instances the expenses are not excessive, whether huge economies are not attainable, and whether undue and improper overheads are not loaded upon the various system units.

PRIVATE AND MUNICIPAL PLANTS

An interesting and suggestive comparison appears between the private systems and the municipal plants. The municipal average is 5.21 mills per kilowatt hour, compared with 11.52 mills for the state at large (excluding Niagara Hudson Power). The state average is over twice the municipal average, and the difference raises sharply the question whether municipal distribution is not much more economical than private distribution, and if so, whether the municipal expense may not be used as a criterion of what would be reasonable and proper for the private companies.

There may be also the question whether, indeed, municipal distribution is not inherently more economical than private distribution, because of its relation to other municipal functions. It is quite probable that in any given instance private distribution, notwithstanding all attainable economies, would be more costly to the community than municipal distribution, because less complete coördination can be effected with other municipal activities and because of higher managerial and supervisory costs. This is one of the major questions of fact that is involved in the general investigation and analysis of distribution costs.

The low municipal expense of 5.21 mills per kilowatt hour, as against 11.52 mills for the state at large, must be considered, moreover, in relation to the fact that practically all the municipal plants appear in villages and small cities. There is a total of 51 plants in the computation, and of this number the largest is in Jamestown, a city of 45,000 population. The next largest community is Dunkirk, 18,000 population; Endicott, 16,000; Freeport, 15,000; Rockville Centre, 13,000; and Herkimer, 10,000. The rest range down to Deering Harbor, with an aggregate populace of 39 persons!

It is manifest that under such dispersed conditions, distribution costs would be higher than with greater concentration of consumers. Notwithstanding the large factor of dispersal, and notwithstanding the low power sales in the smaller communities, the average expense per kilowatt hour is less than half that of the private companies of the state. As the figures stand, they indicate that the municipalities have been doing, on the whole, a more economical job of distribution than the private companies. Upon detailed investigation and analysis, this inference may be invalidated, but the striking contrast challenges the efficiency of the private companies and calls for careful scrutiny of the facts.

THE JAMESTOWN PLANT

The largest individual municipal system is Jamestown, which has an average distribution expense of only 3.1 mills per kilowatt hour. This figure, however, includes all the general expenses in distribution, without any allocation to genera-

tion. If for this individual plant the same relative allocation is made of the general and miscellaneous expenses as in the preceding average figures, the result is about 2.5 mills per kilowatt hour, which is far less than for any private company in the state, except where the business consists primarily of industrial power.

In line with the low distribution expense, the city of Jamestown has also had the lowest residential rates in the state. The highest bracket during the year 1930 was 4 cents per kilowatt hour, which was reduced to 3.5 cents on March 1, 1931. Incidentally the private company operating within the city has generally followed the municipal rate, and has attempted to compel the city to increase its rates through legal action. Notwithstanding its low rates, the city of Jamestown has provided more than handsomely for depreciation, has amortized the bulk of its investment, and to a large extent has paid for improvements out of earnings.

Dunkirk, the second largest municipal plant, had an average distribution expense of 2.2 mills per kilowatt hour; this includes all the general expenses, so with a due allocation to generation, it would come below 2 mills per kilowatt hour—even a better showing than Jamestown.

The next largest municipal plant is Endicott. Its distribution expenses amounted to 10 mills per kilowatt hour. Freeport comes next, with 14.8 mills; then Rockville Centre, 13.4 mills; Herkimer, 8.2 mills; and Salamanca, 4.4 mills. These figures include, in each instance, all general expenses connected with distribution, and, with proper allocation to generation, would be considerably reduced.

Some of the smaller municipalities have surprisingly low costs. Perhaps a striking feature of municipal distribution is its adaptation to local conditions, keeping costs down to the requirements of the community, and combining various local activities for the sake of economy.

ONTARIO DISTRIBUTION COSTS

Besides the survey of distribution expenses in the state of New York, the Marketing Report of the St. Lawrence Power Development Commission presented also a comparable study for the Ontario municipal systems for cities of 10,000 population and over; altogether 23 municipalities. In every instance the municipalities were concerned only with distribution; they received the current at wholesale cost from the Ontario Hydro-Electric Commission, and distributed it to local consumers. Taking the operating expenses only, excluding depreciation and all fixed charges, the expenses amount on the average to less than 3 mills per kilowatt hour, about the same as for Jamestown. And if depreciation is added, together with interest and sinking fund provisions, the average is 6 mills per kilowatt hour. This covers all distribution costs, compared with 11.5 mills for operating expenses alone for New York State companies.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY ROWLAND A. EGGER

Quieting the City's Bedlam.—New York newspapers recently have carried items concerning the investigation, among other things, of the sources of the sustained *fortissimo* which has come to be quite as distinctive a part of the Manhattan reputation as her skyline. A report presented to the league of Swiss municipalities should be very illuminating along this line. Herr Müller, prefect of police at Berne, writing on "*La lutte contre le bruit dans les villes*," in the January issue of *Le Mouvement Communal*, records a number of interesting facts, theories, and remedies regarding the cacophony of modern urbanism.

Herr Müller says that there are three principal sources of noise: (1) Industrial establishments; (2) Residences; (3) Traffic. Concerning industrial establishments, he observes that the noises which they occasion affect largely only the people directly concerned in the fabrication processes. Modern theories of personnel efficiency are rapidly correcting even these noises. Too, the other factors which are tending to remove industry from centers of dense population will, he believes, soon eliminate the noise of industrial establishments as a general social problem.

The "house noises" present a problem which is of rather more importance, and at the same time more difficult of regulation. It is noted that these noises proceed largely from minor sources, in themselves individually unimportant, but in the aggregate enormously irritating. The chief contributions to this type of noise comes from such things as phonographs, loud speakers, carpet-beating, the "brutal" slamming of doors, pianos, the moving of furniture on bare floors, noisy vacuum-cleaners, etc. While the actual reduction of such noises to a minimum must be accomplished by voluntary individual action and social pressure, a restrictive ordinance is important as an incentive to individual self-restraint. Berne, for example, prods the observance of the amenities with a thorough code which prohibits the use of loud-speakers and phonographs before open windows, as well as forbidding their use between certain hours and under certain conditions. Various other activities productive of disturbance are included under this interdiction.

TRAFFIC NOISE ANALYSES

The traffic noises, Herr Müller remarks, are the most important. In illustration of this point he presents the following recapitulation of the noises of Paris and their origins:

Noise Sources by Volume	*Per Cent*
1. Horns and sirens	25
2. Motor and body noises	36
3. Tramways and drays	11
4. Moving of goods, etc.	9
5. Grinding of brakes	2
6. Exhaust of motorcycles	5
7. Miscellaneous noises, such as blows of hammers, cries of infants, etc.	12
	100

These statistics seem to support Herr Müller's indictment of traffic as the arch offender. A further analysis of the defects which produce certain of these noises leads to the following interesting list of conditions which, when remedied, will greatly tend to reduce the total volume of items 2–6 above:

1. The overloading of vehicles and the insufficient fastening of goods.

2. The noise of parts of the vehicle insufficiently fastened or lubricated, such as jangling chains, body squeaks, rattling tailboards and mufflers, etc.

3. Inadequate muffling of motor exhaust, and the free exhaust of motorcycles.

4. The screeching of brakes on vehicles of all descriptions.

5. The unusual noises of tramways, caused by the poor state in which the roadbed is maintained, the screeching of wheels, the constant ringing of bells in fare registration, etc.

6. The rolling of vehicles heavily loaded and badly suspended, particularly along poorly surfaced streets.

Herr Müller's point is that these sources of noise could be eliminated either by specific requirements as to exhaust muffling, vehicle loading and fastening, etc., or by rearrangements in traffic routing which would tend to eliminate the

noises due largely to the condition of the streets. It is observed, quite justly, that utilities certainly have no right to maintain their roadbeds and rights of way in such condition as to cause the operation of their carriers to constitute an effective nuisance.

HORNS AND SIRENS

Because he comes from German Switzerland, and because German officials usually think of one thing at a time, Herr Müller has interested himself chiefly in the methods which have been adopted for the elimination of signal noises. He comments upon the enormous increase in the number of motor vehicles, and the significance which this increase has for the noise nuisance of the city. He does not see a curtailment of motor vehicle use short of complete saturation, which is the state commonly attributed abroad to America.

The important thing in the reduction of signal noises, we are reminded, is the provision of rational traffic circulation and uniform regulations regarding the right of way, etc. It is upon the basis of such regulations that the European cities have proceeded with their programs of noise abatement. This, insists Herr Müller, is the first step, before which little can be accomplished.

In reviewing cases of cities which, upon the substructure of a well-developed system of traffic circulation, have gone ahead in restricting the use of signals, the action of the prefect of police for the Seine is cited. In 1928 the prefect of police issued an order that between the hours of 1 and 5 in the morning, all drivers should reduce their speed sufficiently to eliminate the need for signalling at any intersection. It should be remembered that such a regulation doubtless affects more people in Paris than it would in Zion City, relatively speaking. Subsequent regulation has been introduced which is designed to discourage the use of signals even during the day. In Finland, Åbo and Helsingfors completely prohibit the use of horns and sirens on all occasions, except where collision or accident is imminent. Even here the signal must be brief. The discretion of the police determines the imminence of the accident and the appropriateness of the signal. Stockholm and Oslo have long had restrictions of this sort, which Herr Müller considers extremely effective. The traffic circulation is so well regulated, in fact, that he was able to drive through the most congested portion of Stockholm at a moderately rapid speed, without halting and without once having the occasion to sound his horn. Berne and Bâleville both have regulations which apply not only to horns, but to any noisy vehicles, regulating their use particularly at night.

Generally speaking, the European judiciary has gone very slowly in lending its support to these measures. It has minced along with much the same attitude which American courts have taken toward æsthetic zoning. The German courts have been the most liberal. In 1928 the Celle *Oberlandesgericht* (provincial appellate court) pronounced sustained and unnecessary honking an actionable offense, although its decision was given upon the basis of another cause of action. The Hanseatische *Oberlandesgericht*, under virtually the same circumstances, indicated that, except in moments of danger, loud and prolonged honking may be actionable. It remained for the Preussisches *Kammergericht* (superior court) in May, 1930, first to sentence an operator for this offense. The court said, in part, "By the terms of par. 19, art. 3, of the uniform road traffic code, the auditory signals are required to be brief and confined solely to occasions when pedestrians or others come within, or appear inevitably to be coming within, the danger zone of the vehicle having the right of way. Even here the signals must be very brief, nor may they be repeated at intervals so short as to be objectionable to persons not concerned with the clearance of passage for the vehicle." This is in many respects the most liberal judicial statement on the subject which has appeared.

All this, of course, pertains only to the sources of about a quarter of the noise. We may well expect, however, that in their own good time European cities will get around to the remaining problems. Meanwhile, the accomplishments in Paris and Berlin, meager as their efforts have been, are decidedly noticeable. Upon commenting in this vein, the present writer was reminded by a Parisian that, "*En Paris le gendarmerie sont très influent.*" Here, of course, is to be found part of our problem. The fact remains that the administrative officials are lacking in statutory mandate to exercise effective control over the increasingly critical problem of noise in our great cities.

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An Administrative Court for Belgium.—One of the primary criticisms which have been directed against Belgian government and administration by students of constitutional government

is the complete lack of administrative courts or any special provisions for the enforcement of administrative justice.[1] M. Paul Berryer in the course of the debate on the budget of the department of justice in 1910 summarized conditions in the following terms: "The absence of a well-organized administrative court has betrayed very frequently, by the inevitable continuance of an erroneous decision definitive of interests and rights, popular respect for even the proper powers appurtenant to administrative authorities, as well as to judicial tribunals. The present condition ends in grave decisions being decided by arbitrary methods which go unquestioned, without possible recourse, pronounced without debate, without contradiction, without guaranties of procedure, and, in more than one case, in a veritable denial of justice." The present writer recalls also a brilliant lecture delivered at the University of Michigan by Dr. Adolphe van Glabbeke, *avocat*, of Brussels, who recounted with considerable feeling certain miscarriages of justice incident to the lack of administrative tribunals of appropriate jurisdiction.

In this connection a bill introduced in the *Chambre des Représentants* (Document No. 243) by M. *le comte* H. Carton de Wiart, and summarized in the March issue of the *Revue Internationale des Sciences Administratives*, should be of some interest. This bill provides for the establishment of a *Cour administratif* similar in many respects to the French *Consiel d'Etat*, with extremely broad powers in the enforcement of administrative justice.

JURISDICTION

The jurisdiction of the proposed administrative court extends to the following classes of controversies:

1. Actions for reparation of damages caused by acts or negligences of administrative authorities.

2. Demands for the annulment of *ultra vires* acts, and the prescription of the limits of authority of agencies alleged to be acting in excess of, or under false construction of, their statutory mandate.

3. Conflicts of jurisdiction between different administrative authorities.

4. Decision in certain types of matters which are proposed to be referred to the court by specific legislation.

The question of the responsibility of public authorities for wrongs committed in the performance of their functions has been the subject of much discussion in recent sessions of the Court of Cassation, in the course of decisions relative to the powers of inferior administrative tribunals to determine the modes and limitations of administrative action. The text of the organic law in many cases appears to reserve to the administrative organ itself, within certain very broad limitations, the authority to estimate and determine the scope of its own power. In the light of such statutory prescriptions, the courts have repeatedly refused to assume their own competence to review, and have declined to give relief to offended litigants. In cases of this sort it is proposed that the administrative court be given complete and exclusive power in the application of the statutes defining and granting administrative authority.

In conformity with Article 106 of the Constitution, it is proposed that in certain instances the decision of the administrative court be subject to review. This would be true in practically all cases not turning upon the competence of an administrative authority. The Court of Cassation must also resolve jurisdictional conflicts between the administrative court and regular judiciary. It is provided further that the decisions of the court shall constitute precedent for subsequent administrative action, violation of which may entail summary discipline. This is a marked departure from extant practice. As Professor Reed says: "Not only do the courts have no power to enjoin the commission of illegal acts, but the decision of even the Court of Cassation does not constitute a binding precedent for other cases."

Within the limits noted above, the law contemplates that the administrative court judge law, facts, and even, one gathers, to a certain degree make law, in the remedial actions plead before it. It is thought to be particularly efficacious in the more complete disjunction of *actes d'autorité*, which give rise to no actionable charges, and *actes de gestion*, for torts committed in the pursuance of which recompense may be secured.

With reference to the second type of cases amenable to the administrative court, it should be noted that the court's jurisdiction is much more extensive than the simple annulment or en-

[1] Among these are Edouard Picard, Louis André, René Marcq, and Maurice Bourquin. Professor Thomas H. Reed's *Government and Politics of Belgium*, the standard work on Belgian government and administration, treats this point with great clarity in Chapter VII, particularly page 108 *et seq.* See also Errera, P., *Traité de Droit Publique Belge, passim.*

joinment of illegal acts. In employing the words "*détournement de pouvoir*," the act refers directly to terminology adopted in this matter by the Council of State in France. The text proposes that the administrative court be permitted not only to annul or enjoin the act which constitutes within itself a veritable excess of power, by which the essential formalities are not observed or by which the law is violated or falsely interpreted, but also to delimit the power of the authority alleged to be seeking illegally to act to the confines of the authority conferred upon it. The court may, in other words, go beyond the simple negation of a power sought to be exercised, and positively establish the jurisdictional limitations of the agency before it; since the court may really go beyond the points essential to the settlement of the case, this constitutes a sort of legalized *obiter dicta*.

The question of intra-administrative conflicts is, according to M. *le comte*, an important one in Belgium at the present time. Not only do such conflicts result in the exact duplication of activities between several agencies, but in the complete neglect of many functions with which cognate agencies do not wish to be burdened. The law resolves these difficulties in only a very limited number of instances. In order to secure decision upon the basis of a comprehensive and thorough knowledge of the administrative machinery as a whole, and to safeguard the prestige of the public service, it is suggested that the administrative court be fully empowered to pass upon these questions.

The legislature has long been cognizant, says M. *le comte*, of the desirability of entrusting decision in certain types of questions to an independent administrative tribunal. It is believed that the creation of an administrative court would serve to consolidate and coördinate related decisions in these matters, which are at present scattered among the government, the permanent deputations, as well as certain special agencies, such as the Council of Mines.

ORGANIZATION

The selection of the court's personnel is, by the act, entrusted to the government. All nominees are, however, required to have juristic training and proved judicial capacity. The court is to be divided into two divisions, the permanent and temporary sections. It is proposed that the permanent membership be selected for life tenure, and that a representative of the administrative branch of the government be included in the permanent section. Beyond this limitation the court may divide itself into two or more committees, consisting of not more than five counselors each, provided, however, that the representative of the administration sit on all cases involving actual administrative organization and functioning.

In imitation of French practice, an *auditorat* also is proposed to be created. The object of having auditors is dual: it is considered as one of the most effective ways of securing satisfactory recruitment of the court; secondarily, the handling of the recording and digesting functions of such a tribunal are contemplated to be handled by these judicial apprentices, inasmuch as the volume of this work, as well as its importance, is judged to require more skill and care than that of an ordinary court.

PROCEDURE

The proposal "unites the utmost simplicity of procedure with the guaranties necessary for the judgment of the most delicate affairs." As in courts of first instance, original action may be without the intervention of lawyers. With this exception, the details of procedure are provided to be in conformity with the code of civil procedure. The exclusive use of the procedural rules dictated by the nature of the case appearing for judgment is explained by the delicacy of the matters upon which the court must pass. This procedure is thoroughly discredited in the appellate civil jurisdictions. Here, however, the court must in large part make the law, and it is of the utmost importance that all possible methods be used in securing complete knowledge. The court is without the aid of the doctrinal works and decisions which facilitate the rôle of the judge in civil appellate judgment. Lacking not only the substantive law but also the established procedural refinements, M. *le comte* feels that all of the amenities of the civil procedural code should be observed in the interest both of litigants and the body of law which the administrative court must evolve.

The creation of an institution of this character, concludes M. Carton de Wiart, is entirely in accord with the spirit and the text of the Belgian constitution.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES
Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since March 1, 1931:

Detroit Bureau of Governmental Research:
A Proposal for an Administrative Assistant to the Mayor
The Form of Government in 288 American Cities

Buffalo Municipal Research Bureau:
Report of the Buffalo School Survey

Bureau of Budget and Efficiency, City of Los Angeles:
Discussion of Certain Municipal Problems by Roy A. Knox

❦

California Taxpayers' Association.—The Association's report on the Pasadena city schools has been completed and will be in the hands of the printer in another two or three weeks.

In coöperation with the state department of welfare, the California Taxpayers' Association is devising a system of hospital accounting which can be made uniform in all county hospitals. The work will eventually be centralized with the state, so that comparable data can be compiled.

The Association has started a study of the cost of street lighting in the city of Los Angeles. The objectives of this study are to determine, first, the installation cost, and, second, the annual operation and maintenance cost. The costs are to be placed on a unit basis, covering the charges per front foot, per lumen of light intensity, and per foot of center line street.

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Bureau of Governmental Research, Chattanooga Chamber of Commerce.—The Bureau made a survey of the organization and business procedure of the Hamilton County highway department and submitted a report recommending a thoroughgoing reorganization, the installation of modern financial and business procedure, the establishment of long-term physical and financial planning, and adequate records to permit effective control over departmental operations.

Upon request of the taxation committee of the Chamber of Commerce, the Bureau has drafted a bill to abolish the county highway commission of three citizens and the office of county engineer, and to substitute a single administrative head, known as the commissioner of highways, to be chosen by the county court. Many of the administrative and financial provisions of the *Model City Charter* have been inclined in the act, so far as the limitations of the state constitution would permit.

Several months ago, the mayor proposed the establishment of centralized purchasing for the city government. The Bureau has endorsed this proposal and has drafted a proposed charter amendment.

Chattanooga and St. Paul, Minnesota, are the only large cities which do not have boards of education. In both cities, the schools are managed by a single commissioner of education who is one of the elective city commissioners. The education committee of the Chamber of Commerce has initiated a movement to establish a board of education as recommended in the Strayer-Engelhardt survey report of 1929. The Bureau assisted the committee in drafting a charter amendment and submitted a report discussing the advantages and disadvantages of establishing such a board. The committee has adopted the Bureau's recommendation that tax levying and debt incurring powers be retained in the hands of the city commission.

During recent months, the Bureau has been discussing with city financial officials ways and means of modernizing the city's accounting system which has remained largely unchanged since the adoption of the present charter in 1911. A report has been submitted to the mayor outlining the Bureau's recommendations.

The Bureau was active in the movement which resulted in the establishment of a State Taxpayers' Association at Nashville in November.

A survey of the costs and financial needs of the children's hospital is now under way.

Four proposed street widening and extension

projects and a proposed viaduct, involving considerable expense, have been discussed during recent months. The Bureau has analyzed these projects in the light of existing commitments along other lines and the probable effect of all of these outlays upon the coming tax rate.

At the request of the state senator from Hamilton County, the Bureau is assisting in drafting an act which would substitute a standard county financial procedure for the host of special acts governing minor county matters which now clutter up every legislative session. The proportion of special acts is said to be larger in Tennessee than in any other state. The Bureau is also assisting in drafting an act to permit county aid for city street improvements.

Tennessee constitution is regarded as one of the most rigid in its provisions relating to county government. It is also one of the most difficult to amend. It has long been supposed that the county court system of county government, by which the elective justices of the peace constitute the county legislative body, was so firmly embedded in the constitution that any modernization of county administration was entirely out of the question. It now appears that things are by no means as hopeless as had been supposed. Following a study of supreme court decisions and a visit to Shelby County (Memphis), where modified commission government has been in effect since 1911, the Bureau's director prepared a report describing the Shelby County form of government and showing the changes which can be made under the present constitution.

At the request of the mayor, the Bureau submitted a preliminary report on new sources of city revenue.

During the next few months, the Bureau expects to concentrate on the debt policies and sinking fund administration of the city and county. Figures developed last year for the Bureau by the actuarial department of the Provident Life Insurance Company show that the county sinking fund has an actuarial deficiency of approximately $1,500,000 and the city sinking fund has an actuarial deficiency of approximately $2,000,000. Unwise and unsound debt policies in the past have produced a situation which will make future city and county financing very difficult. The Bureau is working on a plan for amortizing the existing debt with a minimum refunding.

The increasingly heavy debt charges which the city must bear in future years for bonds already issued, together with the present agitation for bond issues for further improvements running into considerable expense, has led the Bureau to urge the adoption of a ten-year development program as the only hope for meeting debt charges and providing necessary capital outlays at a price the taxpayers can afford to pay. This proposal has found favor with officials, newspapers, and citizen groups, and preliminary steps have already been taken to develop such a program.

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The Taxpayers' Association of New Mexico.—The Association has employed H. L. Sawyers as its representative to attend the school budget hearings in the various counties and municipalities of the state. Mr. Sawyers was formerly treasurer of one of the principal counties of the state and for a time was employed as an auditor by the state comptroller. During the months of April and May the educational budget auditor visits all the counties and, with two commissioners selected locally, directs the working out of the school budgets for the various rural and municipal districts of the county. Mr. Sawyers accompanies the educational budget auditor and assists him during the hearing on budgets presented by local school authorities.

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The Schenectady Bureau of Municipal Research.—The Bureau is beginning a study of the compatibility or incompatibility of a proposed sixty-five per cent increase in Schenectady's sewerage facilities with the present over-developed status of real estate. It is also beginning a study of the proposed increase in the number of wells for water supply, a project brought to the fore by the recent drought, and is developing plans to bring about adoption by the city of steps recommended in several of the past reports of the Bureau.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Chicago's New Deal in Municipal Affairs.—On April 7 "Thompsonism," actually and literally, was routed from Chicago when Chicago elected Anton J. Cermak, Democrat, mayor over Big Bill, Republican, by the vote of 671,189 to 476,932. Within 48 hours, Cermak was sworn in and had ousted from city hall 3,000 Republican temporary political payrollers. Cermak's majority of 194,257 votes is the largest ever received by a mayoralty candidate here. Eighty-two per cent of the registered vote was cast, and in a sense this figure is an index of popular interest in the outcome of the contest. Women cast 40.5 per cent of the vote.

Big Bill played practically a lone hand. Most of the Republican factional leaders, who opposed him in the February 24 primary, had deserted his ship. He changed his jackass and halter acts of the primary for a campaign of vilification and quarter-truths The *Tribune* was his especial animadversion. While his audiences laughed at his jibes and applauded his assertive claims of returning prosperity, his arguments sounded stale and failed to rally the divided Republican camp.

Cermak's campaign, on the other hand, characterizes the man and his record rise from push-cart peddler to mayor and from precinct worker to Democratic leader. His campaign was elaborately planned and was systematically executed. His keynote was his accomplishments as president for eight years of the Cook County board of commissioners. Personal recrimination was studiously avoided. The mayor's imputations were indignantly denied. Reiterated promises of reform—a non-political civil service commission, cleaning up the police department, a non-political school board, simplification of local governments, more service for less cost, etc.,—were in striking contrast to Big Bill's specious assertions. Cermak had the active support of united Democracy; and the active coöperation of independent Republicans such as Professor Charles E. Merriam, and specialized independents such as Dr. Graham Taylor. Thousands of Republicans voted for him as the only way to rid the city of the Big Bill incubus. The press gave Cermak vigorous support. The *Tribune* and *News* outwardly boosted him, while the others, more or less committed to Big Bill, took a cue from the straw vote and more and more as election day neared played up the Cermak angle.

Cermak's supporters expect him "to deliver." His training of twenty-eight years in the local school of practical politics gives him a firm grasp on the situation, both as to party organization and as to public opinion. In the county he made wide use of advisory commissions. For example, he appointed the Joint Commission on Real Estate Valuation which engineered the now-famous reassessment of 1928. Similar groups advised concerning the bureau of public welfare, and the forest preserves and other departments. He has promised to utilize similar bodies in the city activities. His non-party backers believe that his practical political sense will force him to carry through on promises constantly reiterated before and after election in speeches, press, radio and sound movies. In a sense, Mayor Cermak starts from scratch. He has four years in which to make good.

EDWARD M. MARTIN.

✠

Schools an Issue in St. Paul Election.—The school bond issue and amendment to the St. Paul charter to set up a public school budget committee were defeated on April 7. These were hooked together as one item on which to vote "yes" or "no." Thirteen thousand six hundred and twenty-two votes were cast for the amendment and 23,226 against, the total vote being 36,848 out of 95,041 registered and eligible to vote. The amendment lost in every one of the twelve wards.

The bond issue provided $975,000 for new buildings and additions to bring the school plant up to date. The charter amendment placed state aid outside the $30 per capita limitation on indebtedness—state aid amounting to $450,000, and added $1 per capita to the $30 limitation, or $280,000 annually, to be used for new buildings and additions in the future. The amendment

also changed the method of computing population by backing it up one year, thus making $110,000 available next year in addition to the $110,000 available each year under the old charter provision.

The per capita gain each year is based on one-tenth of the gain in population as determined by the U. S. Census of 1920 and 1930. The charter amendment would have provided that a sum not to exceed $16.40 per capita should cover the total cost of government exclusive of the cost of public schools and libraries, thus leaving $14.60 for schools and libraries.

The program was lost because it was a program developed wholly under political leadership. The idea started about a year ago when a fire occurred in one of our frame portable school houses. No lives were lost, but the idea was developed that an emergency existed and that the portables must immediately be replaced by permanent structures. Coupled with this was the idea that as St. Paul's school plant was increasing in size, adequate provision was not being made for its maintenance or equipment, or the additional teachers required, under charter limitations, and it was decided to add $1 to the per capita limitation.

The thought was also developed that St. Paul schools were controlled by one man, the commissioner of education. It was said that there should be a school board of citizens to control the school budget. There were political objections to this and the final amendment submitted by the charter commission provided for a budget committee consisting of the mayor, city comptroller and commissioner of finance. It was apparent, through all the discussions, that the school teachers federation preferred political control to so-called citizens control, and while the officials of the Parent-Teachers' Associations recommended the program, the members of the Parent-Teachers' Associations voted against it.

The legislature is in session and will pass a metropolitan sewerage bill adding considerable to the taxation of the metropolitan district of which St. Paul and Minneapolis must bear the greater burden.

There are many who believe that there should be no tinkering with the present charter, which is the commission form of government, but that there should be a new charter of the council-manager type.

GEORGE H. HERROLD.

Hard Winter for Pasadena Civic Groups.—Pasadena, California, will soon hold an election in order to choose four city directors for terms which have just expired. The extreme difficulty with which candidates have been induced to run for office in this seat of culture and civic pride has proved dismaying to those who have been the backbone of the city manager support. On the last day for filing nominating petitions it appeared that none of the incumbents chose to compete for another four years; that no petition had been filed before the closing day, and then only eight candidates made their appearance; and to cap the climax the members of the Citizens' Committee, which had been charged with the responsibility of inducing outstanding men to enter the race, announced that they had been unable to formulate a ticket and hence would make no further effort in the campaign. James T. Jenkins, the incumbent labor organization member who has been regarded as the most valuable man on the board of seven directors, announced at the last moment that he would not run.

Such a situation appears inexplicable, considering the reputation Pasadena holds as a mecca for retired, educated, public-spirited citizens. But upon analysis the factors which cause this political dullness will appear. The most important deterrent to the best men's participation is the vivid memory of the storm which drove out of office the first board which was elected after the installation of the manager plan. The East side beset the wealthier West side, and this division has by no means healed yet. Moreover, one of the local newspapers has kept up a constant criticism of the more affluent board members, chilling the ardor of their civic reform. The women are organized into a Civic League five hundred strong, but the men have no permanent organization. There is talk of pluming a woman candidate for the following election, although anti-feminism seems to be unusually strong in Pasadena. Pasadena does not have a mayor. The creation of this position, and the election of a popular citizen to fill it, might conceivably arouse more popular interest.

This lull will probably not last long. There is talk of metropolitan-county organization in Los Angeles, and Pasadena, only fifteen miles away, would be bound to assume a defensive position. Pasadena is also a member of the metropolitan water district, and must face the problem of dividing Colorado River waters. Before long

the men will have to become more thick-skinned and grin at criticism or else they will see the women copping their share of the legislative posts. Perhaps they will anyway!

MARSHALL E. DIMOCK.

✻

New Jersey's Proposal for Municipal Receiverships.— A drastic bill to control municipal defaults on bonded indebtedness has been introduced into the New Jersey legislature upon the recommendation of the Commission to Investigate County and Municipal Taxation and Expenditures. It has attracted the opposition of the State League of Municipalities and its passage is still in doubt, although influential forces have rallied to its support.

Under its provisions as introduced a holder of bonds upon which the municipality has defaulted as to principal or interest may apply to a justice of the supreme court for an order establishing a municipal finance commission with powers tantamount to those of a receiver of a bankrupt concern. The state commissioner of municipal accounts may also direct a similar petition to a justice of the supreme court with respect to any municipality in default.

Once the municipal finance commission has been established by order of the court, it shall have power to appoint an auditor of accounts of the defaulting municipality. The governing body of such municipality cannot thereafter issue bonds or notes nor create an indebtedness without the consent of the commission. The annual budget and tax ordinance of the municipality in default shall be prepared by the auditor appointed by the commission, and no items may be included except such as are approved by the commission. Ordinances providing for the funding or refunding of indebtedness which is due or about to be due will be prepared by the commission for adoption by the governing body of the municipality.

The bill was called forth by the serious financial situation in North Bergen township which faces default on certain of its bonds. It is felt that legislation permitting such a municipality to refund its obligations free from existing limitations in the bond law would be useless and dangerous in that it would permit the municipality to become further involved, perhaps beyond the point where liquidation in full would not be possible. The commission would have no power to order new expenditures and would be confined to using the existing assets of the municipality.

Opponents have declared the bill unconstitutional in that it has delegated the power of taxation to a non-elective commission. A leading precedent supporting the opponents is the so-called Van Cleeve case, which declared void the act originally establishing Passaic Valley Sewage Commission and delegating to such commission the power to tax for sewer purposes.

✻

The Cost of County Government in California.—For some time California has witnessed a steady upward trend in the expenses of county government. The past year presents no marked exception to this general tendency.

The total receipts of the fifty-seven counties (San Francisco is classed as a municipality) increased from $52,000,000 in 1912 to $356,000,000 in 1929.

Last year the property tax represented $105,000,000 or 30 per cent of these receipts. Agency transaction, district, municipal and state, totaled $94,000,000, $55,000,000 and $11,000,000 respectively. Fees, fines and penalties netted $5,000,000; licenses and permits $167,000. There was received from subventions and grants $39,000,000; from gifts and donations $92,000; from privileges $432,000; from rents $133,000; and from interest on investments $3,000,000. Receipts from the sale of bonds exceeded $18,000,000, and from the sale of property $1,000,000. Special service rendered by the counties added to their treasuries $2,000,000; trust funds and accounts $16,000,000; and miscellaneous $3,000,000.

County payments increased from $49,000,000 in 1912 to $343,000,000 in 1929.

EDUCATION MORE THAN ONE-THIRD OF THE WHOLE

The largest single item of expenditure shown by the counties for the fiscal year ending June 30, 1929—as in previous years—was for education, which represented $128,000,000 or 37 per cent of the total disbursements. Of this sum, $67,000,000 was expended for elementary schools and $57,000,000 for high schools. The third largest item of the educational expenditures was county libraries. The fact that more than $1,500,000 was appropriated for this purpose is an evidence of the fact that the maintenance of libraries is becoming more and more an important function of county government.

One-third of the counties spent more than

$1,000,000 for education. The appropriations of thirty-three others exceeded $100,000; while three spent less than $50,000.

There was expended for highways and bridges $26,000,000. Los Angeles county alone spent $7,000,000. The appropriations of three other counties—Alameda, San Diego and San Joaquin—exceeded $1,000,000. The disbursements of thirty-eight of the remaining counties exceeded $100,000. One county spent less than $10,000.

The cost of general government amounted to $18,000,000. One-fourth of this expenditure is listed under financial offices. The legislative offices cost $2,750,000; the law offices $1,725,000; other general executive offices $1,965,000; judicial offices $2,585,000; elections $1,685,000; government buildings and outlays $2,900,000.

Agency transactions, municipal, district and state, cost $55,000,000, $13,000,000 and $11,000,000 respectively. There was expended for charities and corrections $22,000,000; for protection to person and property $14,000,000; for conservation of health $4,000,000; for miscellaneous $3,000,000; for recreation nearly $2,000,000 and for sanitation $160,000.

Sixteen of the fifty-seven counties list no disbursements for recreation. Seven counties spent less than $1,000; while seventeen counties spent in excess of $10,000.

Only twenty-two of California's counties made appropriations for sanitation and the promotion of cleanliness. These appropriations varied from $5 in three counties to $100,000 in Los Angeles County.

There was appropriated for the trust fund $15,000,000. The payment of interest amounted to nearly another $15,000,000; and redemption of debt $13,000,000.

BONDED DEBT INCREASE

The bonded indebtedness of California's counties increased from $30,000,000 in 1912 to $300,000,000 in 1929. This is a ten-fold increase in a period of seventeen years. The time of most rapid increase was from 1920 to 1925. In 1920 the bonded debt was $96,000,000. By 1925 it was $227,000,000. It is gratifying to notice that during the past year the rate of increase in the bonded debt has lessened considerably.

During these same years the assessed valuation of county property increased less than fourfold. In 1912 the assessed valuation was $1,963,000,000. By 1912 it was $7,358,000,000. During the year 1929 the total assessed valuation increased 23 per cent, as compared with the 5 per cent increase during the previous year. This is the largest increase recorded in the history of the state.

The inside county tax rate for the year varied from $1.30 in Kern County to $2.97 in Marin and Tuolumme counties. The minimum outside rate of $1.50 was also in Kern county. Santa Cruz County had the maximum rate of $3.85.

The foregoing figures are sufficient to show that there are extreme inequalities in the standard of government service and tax burdens in California's counties.

FRANCES N. AHL.

Glendale, California.

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Extends Hope for a Quiet City.—Although city noises are driving thousands of persons to neurologists, the prospect for silent riveting machines, more melodious auto horns, quieter subways and "sound ventilators" for windows are such that in ten years this city will be a fairly comfortable and harmless place to live in as far as sounds are concerned, Edward F. Brown, director of the New York noise abatement commission, declared recently in an address at the Women's City Club, of New York.

As a result of consultation with auto-horn manufacturers, only 7 per cent of horns now manufactured are objectionable, compared with 95 per cent a year ago, Mr. Brown said. He predicted that a silencer for riveting machines would be on the market in a year. Sound ventilators to keep noise out of open windows will come in time, he said, and subways hereafter built not only will have noiseless turnstiles, but their roadbeds and tracks will cause less racket.

Unemployed men have been used to canvass radio shops with outdoor loudspeakers, and 95 per cent of these have been quieted, Mr. Brown declared. A merely "educational campaign" would not suffice to curb loud radios in homes, he said.

*

Mayor Urges Novel City Manager Plan.—In a special message to the city council of Jamestown, New York, Mayor Samuel L. Carlson, one of the champion long distance mayors of the United States, urged that the city amend its charter to provide for the manager plan. His proposal, however, varies somewhat from the

Model Charter of the National Municipal League in that he would have the manager appointed by the mayor and confirmed by the council.

Mayor Carlson further recommended that the plan of electing the councilmen by wards be abolished in favor of election from the city at large. All candidates who receive more than 20 per cent of the total vote from the city at large would be declared elected and each voter would have the privilege of voting for three candidates. By this method, Mayor Carlson argues, a majority representation based on division of public opinion would be attained in place of a minority representation based on geographical ward division. The present system really results in government by minority, although it purports to be majority rule.

According to press announcements, committees from the Chamber of Commerce, labor unions and civic organizations will be asked to meet with the city council to consider the above proposals.

*

Two Training Schools for New York Municipal Officials.—The New York State Conference of Mayors held its first school for city and village assessors January 28, 29 and 30 at the new state office building in Albany. The school was under the joint direction of the Conference of Mayors and the New York state department of taxation and finance. There were seventy-eight in attendance, representing forty-four municipalities. Of this number forty were assessors while the remaining members of the class held positions ranging from clerk of the village board to mayor of a city.

The lecturers were drawn primarily from the staff of the state tax commission. The program included lectures, discussion and questions from the chairmen.

During the same month a school for sewage works operators was held at Union College, Schenectady, January 26–31. It was attended by twenty-three men from as many cities. The New York State Conference of Mayors, the New York State Sewage Works Operators and the state department of health were the sponsors. The latter supplied most of the speakers.

Certificates of attendance were awarded to all those who attended the schools.

MORTON D. WEISS.

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Volunteer Firemen's School.—A unique training school for governmental servants was that conducted last winter in Baltimore by the Fire Insurance Salvage Corps under Chief Edward H. Warr. The students were the volunteer firemen who came from all counties of the state to Baltimore each Thursday evening to attend lectures on fire prevention, fire fighting, life saving and salvage work. The idea of the school came from Chief Warr's realization of the lack of coöperation among volunteer fire companies and the absence of a proper knowledge of fire inspection work. The school is a permanent organization and will reopen next fall with a new class for beginners and an advanced course for this year's graduates. Chief Warr's school has no connection with the Baltimore City Fire Department.

*

Probabilities of Tax Revision in Present Session of Ohio Legislature.—As this copy of the REVIEW goes to press, indications are that the Ohio legislature will not adopt the comprehensive tax law revision now possible since the repeal of the constitutional uniform classification provision in November, 1929. Readers will recall that, following the adoption of this amendment, Governor Cooper created a citizens' committee to aid in formulating plans for tax revision. The sub-committee on research of the Governor's Taxation Committee has published five preliminary reports on such topics as, personal income taxes, low-rate taxes on intangibles, business tax, etc. Other studies are in process.

The legislature plans to recess on April 10 and to reconvene on April 27 for the consideration of tax legislation. At this time the special taxation committee of the legislature will probably report measures covering three specific types of tax legislation as follows: (1) classification tax on intangibles, (2) income tax, and (3) sales tax. But the legislature is expected to adopt only those relating to classified taxes on intangibles.